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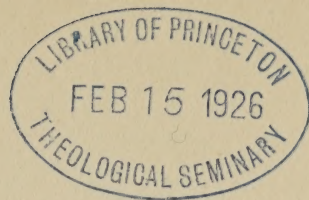
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ESSAYS AND LETTERS
ON
ORDERS & JURISDICTION



BY
F. W. PULLER, M.A.

OF THE SOCIETY OF
ST. JOHN THE EVANGELIST, COWLEY

LONGMANS, GREEN AND CO.
39 PATERNOSTER ROW, LONDON, E.C.4.
NEW YORK, TORONTO
BOMBAY, CALCUTTA AND MADRAS
1925

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INTRODUCTION

A FEW months ago some friends of mine were urging me to publish in book form some of the articles on subjects connected with the doctrine and discipline of the Church which I have contributed to reviews and other periodical publications in past years. I felt and expressed serious doubts as to whether it would be possible to find publishers willing to undertake the risk involved in such publication. Finally, I told my friends that, if they liked to do so, they might write to Messrs. Longmans, Green and Co., who have in past times published books written by me, and that, when I had considered their reply, I would come to a decision in regard to the suggestion which had been made to me.

My friends acted on this permission, and their letter resulted in a correspondence between Messrs. Longmans and myself, in the course of which they expressed themselves as being very happy to undertake the publication of the collection of Papers bearing on Orders and Jurisdiction which are contained in this book.

The Papers were selected from a larger number because they deal with two closely related subjects, so that the whole collection possesses a certain measure of homogeneity.

Some of the Papers have been published before, and some are now published for the first time.

The first part of this book consists of an essay on the Grace of Orders and Apostolic Succession, written

at the request of Dr. A. C. Headlam, now Bishop of Gloucester, and published by him in the *Church Quarterly Review* for October 1913.

The second part consists of two letters addressed by me to the editor of *The Living Church*, a weekly Church newspaper published at Milwaukee in the State of Wisconsin, U.S.A. They were written in the course of 1922 with the object of proving that in the consecration of a bishop the assistant bishops are not mere witnesses, but are also co-consecrators with the presiding consecrator.

The third part consists of an article on Careless Baptisms and their effect on the transmission of the Apostolic Ministry, written at the request of Dr. Sparrow Simpson, and published by him in the *English Church Review* for November 1910.

The fourth part consists of an essay on Pope Leo the XIIIth's Bull, *Apostolicae Curae*, and the second Edwardine Ordinal, written for the most part in 1896, and published in the *Guardian* newspaper; but afterwards completed at the request of the Church Historical Society, and published for them, as one of their authorized publications, by the S.P.C.K.

The fifth part consists of an essay, now published for the first time, on the Spiritual Jurisdiction of Bishops in the Church at large and in the Church of England. It was undertaken at the request of the Church Historical Society, and the first two sections of it (pp. 142 to 182) were written in 1895 and 1896. Then the pressure of what seemed to be more urgent work compelled me to lay it aside, and the third section, which completes the essay, has been written during the present year, 1925.

The second, third, fourth, and fifth parts of this book are really replies to arguments urged by English Roman Catholic controversialists who use them with the object of detaching the children of the Church of England from allegiance to their Divinely-appointed Spiritual Mother. They do not pretend to cover the whole ground of that controversy, but deal merely with one particular branch

of it. I have dealt with another still more important branch of it in a book entitled *The Primitive Saints and the See of Rome*, published by Messrs. Longmans, Green and Co.

It may be well also to point out that a collection of essays and letters written at different times and for different purposes cannot pretend to be a full treatise on the great subjects mentioned in the title of the book. But I hope that, as regards those aspects of Orders and Spiritual Jurisdiction about which I have felt it my duty to write, what I have written may be of some help to those who, from lack of books or for other reasons, are unable to solve these problems for themselves.

The sixth and seventh parts are shorter than the others, and probably, to some people, of more restricted interest. But they occupy, taken together, less than one-tenth of the book. They were both of them written on account of special circumstances which seemed to call for them. The sixth part, on the so-called Canterbury Patriarchate, was published forty-one years ago in an occasional paper which circulated among a relatively small number of persons specially interested in the diocese of Capetown. The seventh part, on the Relation of Religious to their Bishops, was printed privately, and is published now for the first time in England.¹ Both subjects have a certain connexion with the spiritual jurisdiction of bishops in the Anglican Communion, and are, therefore, not out of place in a book like this : and both may be helpful, more especially, so far as the sixth part is concerned, to persons living in colonial and missionary dioceses ; and, so far as the seventh part is concerned, to members of religious communities whether at home or abroad.

I am assured by Messrs. Longmans that, as regards those parts of the book that have been in past years published in reviews and other periodicals or otherwise,

¹ It was published some years ago with my permission in America by one of the Fathers of the Order of the Holy Cross. It was printed as an Appendix to a book of his on the Religious Life.

consent for their re-publication has been kindly granted by those to whom the copyright belongs. I should wish to express here my gratitude for their courtesy.

In conclusion, I humbly beseech Almighty God that by His merciful protection I may have inserted nothing in this book which may be in any way contrary to His Holy Will ; and that if there should be anything of that kind, the readers of the book may be in no way harmed thereby.

F. W. PULLER, S.S.J.E.

THE MISSION HOUSE,
COWLEY S. JOHN,
September 19, 1925.

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ESSAYS AND LETTERS ON ORDERS AND JURISDICTION

PART I

THE GRACE OF ORDERS AND APOSTOLIC SUCCESSION

I ADDRESS myself to those who believe in historical Christianity, who accept the books of the New Testament as canonical and inspired, and who in the interpretation of those books, while welcoming all the manifold helps which modern scholarship has so abundantly supplied, attribute also great weight to the continuous tradition of the Church coming down to us from the earliest times, and to the general consent of the Fathers, where such consent can be shown to exist.

I

Not so long ago it would have been necessary, at any rate in English-speaking countries, to commence an investigation of a subject such as this by proving that the Church which our Lord founded, or at least that part of it which at any given time exists here on earth, was intended by its Founder to exist as a visible society. I hardly think that it is necessary to do so now. No doubt there are persons, who by a perversion of terms would claim for themselves the title of Christian theologians, and who nevertheless deny that there ever was such a person here on earth as our Lord JESUS, or who assert that, if there was such a person, He merely promulgated a teaching and did not found a society, whether

visible or invisible. Such persons usually get rid of any passage of Holy Scripture which clashes with their fancies, by ruling it out as unauthentic on their own *ipse dixit*. No doubt it is right that Christian believers should labour for their conversion, but it would be folly to do so in an article on the Apostolic Succession. Theologians who accept the authority of the New Testament are, speaking generally, agreed that our Lord did found a visible Church. I will quote two passages in illustration of this statement, one from a distinguished Scottish Presbyterian, Dr. T. M. Lindsay, the other from the late Bishop Lightfoot of Durham.

Dr. Lindsay says :

“The New Testament Church is fellowship with Jesus and with the brethren through Him ; this fellowship is permeated with a sense of unity ; this united fellowship is to manifest itself in a visible society ; this visible society has bestowed upon it by our Lord a divine authority ; and it is to be a sacerdotal society. These appear to be the five outstanding elements in the New Testament conception of the Church of Christ.”¹

Bishop Lightfoot says :

“The Church is something more than a fortuitous concourse of spiritual atoms, a voluntary aggregation of individual souls for religious purposes. There is nothing accidental, nothing arbitrary in the Church. The Church is an external society, an external brotherhood, an external kingdom, *constituted by a divine order*. It has its laws, it has its officers, it has its times and seasons. It is not therefore a matter of indifference how loosely or how firmly we hold by the Church. We cannot regard ourselves as mere individual units, concerned only with the salvation of our own souls. We are members of a brotherhood ; we are citizens of a kingdom. . . . Loyalty to this idea is essential to the equipment of a true Christian.”²

Now this Scriptural doctrine of the Church as being a

¹ *The Church and the Ministry in the Early Centuries*, 4th edit., pp. 5, 6.

² *Ordination Addresses*, pp. 35, 36. The particular sermon quoted in the text was preached by the Bishop in 1880, 1884, and 1888.

visible, divinely constituted society, upon which our Lord bestowed a divine authority, is very closely connected with the main subject of this article. Dr. Edwin Hatch, the main purpose of whose "Bampton Lectures" was to refute and overthrow the doctrine of Apostolic Succession, fully realized this close connexion. He denied that our Lord founded a visible society: he regarded the Church, spoken of in the New Testament, as "a voluntary aggregation of individual souls for religious purposes"; and he perceived clearly that, unless he established those two positions, the one negative and the other positive, he would fail in establishing his main thesis. In the preface to the second edition of his "Bampton Lectures" on the *Organization of the Early Christian Churches*, he says:

"If the Church of which St. Paul speaks as the Body of Christ, the fulness of Him which filleth all in all, be really, as the Augustinian theory assumes it to be, a visible society, or aggregation of societies, then it is a tenable proposition that the Christian ministry is an essential, primary and authoritative element of the organism of the Christian life, as it came from the Divine Founder."¹

As I have already intimated, I do not think that it is at all necessary at the present time to labour the point of the visibility of the Church founded by our Lord; nowadays that point is conceded by all those whom in this article I am addressing. What I have to make clear is that the Christian ministry was created by our Lord, when He gave His commission to the Apostles, and that, in a sense to be explained later, it has been transmitted from them to the long line of their successors. In those successors the ordinary powers belonging to the Apostolic office have been perpetuated.

¹ Hatch, *Organization of the Early Christian Churches*, 2nd edit., 1882, preface, p. xii, quoted by Dr. Liddon in the preface to the second edition of his sermon entitled "A Father in Christ," p. viii.

II

It was after our Lord's Resurrection that He created the permanent Christian ministry by the several commissions which He gave to the Apostolic college. Taking the accounts given by the several Evangelists in the order in which they occur in our Bibles, we notice that St. Matthew emphasizes the fact that it was "*the eleven disciples*" who "went into Galilee, unto the mountain where Jesus had appointed them."¹ There may very possibly have been others there; for, while the Eleven worshipped our Lord, there were "some" who "doubted"²; but whether there were others there or not, it was the Eleven who had received from our Lord an injunction to come to that spot at that time; and it was assuredly to the Eleven that our Lord uttered the amazing words: "All authority hath been given unto Me in heaven and on earth. Go ye therefore and make disciples of all the nations," etc.³ As Dr. Swete very truly says: "The Eleven are to be sent on an oecumenical mission, and they must know that they have behind them an authority which is oecumenical."⁴

In the Second Gospel a commission given to the Apostles after the Resurrection is recorded in the canonical though non-Marcian appendix. The inspired writer says: "Afterward He was manifested unto the eleven themselves as they sat at meat. . . . And He said unto them, Go ye into all the world, and preach the gospel to the whole creation," etc.⁵

St. Luke, writing about the events that happened on the evening of the day of the Resurrection, tells us that the two disciples who had been to Emmaus on their return to Jerusalem "found the eleven gathered together, and them that were with them."⁶ It is clear therefore that at this gathering there were present not only the

¹ St. Matt. xxviii. 16.

³ *Ibid.* xxviii. 18-20.

⁵ St. Mark xvi. 14-16.

² *Ibid.* xxviii. 17.

⁴ Swete, *Appearances*, pp. 71, 72.

⁶ St. Luke xxiv. 33.

Apostles but also others, including, after their return from Emmaus, Cleopas and his companion. After a certain time had passed, our Lord Himself stood in the midst of the assembly, and proved to those present that He was not a disembodied spirit, but that He was clothed with the very Body which had been nailed to the cross. Whether the whole of the discourse which followed was specially addressed to the Apostles is not clear to me; but a comparison with Acts i. 2-5 and 22 seems to show that the last verses of the discourse—"Ye are witnesses of these things. And behold I send forth the Promise of My Father upon you: but tarry ye in the city, until ye be clothed with power from on high"¹—were certainly addressed to them. Acts i. 22 shows that, while many saw our Lord after the Resurrection, the Apostles were witnesses of the Resurrection in a way that others were not. St. Matthias had to be given a place in that "ministry and apostleship"² in order that he might "become a witness"³ with the Eleven of the Resurrection of the Lord. Thus our Lord's words, "Ye are witnesses of these things,"⁴ empowered the Eleven to act as apostolic witnesses of the great fundamental fact of the Resurrection of Christ. If these considerations have any force, they will tend to show that, when our Lord was giving commissions to His chosen Apostles, others might be present, who did not share in the authority bestowed by the commission; just as in later days large numbers of persons are accustomed to be present, when certain others, relatively few in number, are by ordination being promoted to the episcopate or presbyterate or diaconate. This conclusion prepares the way for the proper understanding of the commission recorded in the Fourth Gospel.

¹ St. Luke xxiv. 48, 49.

² Acts i. 25.

³ *Ibid.* i. 23.

⁴ St. Luke xxiv. 48. Compare Bishop John Wordsworth's treatise, *The Ministry of Grace*, p. 111, note, in which he enumerates in order of time the commissions given to the Apostles during the forty days. He mentions St. John xx. 21-23; St. Matthew xxviii. 19, 20; St. Mark xvi. 15, 16; St. Luke xxiv. 44-48 and 49; and Acts i. 7, 8.

Before entering on the discussion of the very important passage in which St. John records the bestowal of the commission, to which reference has been made, it will be well to call attention to a peculiarity in St. John's phraseology. Whereas the title "Apostle" is used several times in the Synoptic Gospels and many times in the book of the Acts, it is never used by St. John either in his Gospel or in his Epistles. Again, the title "the eleven" is used in all the Synoptic Gospels to describe the Apostles after the death of Judas, but it is never used by St. John. St. John uses the title "the twelve" three times in his Gospel. The same title is used seventeen times in the Synoptic Gospels. But the term commonly used by St. John to denote the members of the Apostolic college is "the disciples."

I proceed to quote the passage in which St. John records the great commission. He says :

(19) "When therefore it was evening, on that day, the first day of the week, and when the doors were shut where the disciples were, for fear of the Jews, Jesus came and stood in the midst, and saith unto them, Peace be unto you. (20) And when He had said this, He showed them His hands and His side. The disciples therefore were glad when they saw the Lord. (21) Jesus therefore said to them again, Peace be unto you : as the Father hath sent Me, even so send I you. (22) And when He had said this, He breathed on them, and saith unto them, Receive ye the Holy Ghost (*λάβετε πνεῦμα ἅγιον* without the article) : (23) Whose soever sins ye forgive, they are forgiven unto them ; whose soever sins ye retain, they are retained." ¹

The whole of this episode took place on the evening of the day of our Lord's Resurrection. It follows that the appearance of our Lord described here is the same appearance as that described by St. Luke (xxiv. 33-49) ; and we have learnt from St. Luke that there were others present within the closed doors besides the Apostles. The question to be first considered is whether our Lord bestowed His commission on the whole assembly or on

¹ St. John xx. 19-23.

the Apostles only. If the commission was bestowed on the whole assembly, it must have been bestowed on them as representing the whole Church. It is incredible that such tremendous powers should have been given as a personal endowment to Cleopas and the other non-apostolic disciples, who happened to be assembled with the Apostles. If that had been done, these non-apostolic disciples would have been put on a par with the carefully selected and trained Apostles. But there is not a shadow of a sign of any such extension of the apostolate either in the Acts of the Apostles or elsewhere in the New Testament.

If the commission was given to the whole assembly as representing the whole Church, it would be something entirely without parallel in the New Testament. All the other commissions given by our Lord after His Resurrection were, as we have seen, given to the Apostles. No doubt there is a very true sense in which powers given to the Apostles are also given to the Church. The Apostles are not outside the Church; they are in the Church. What the Apostles do officially, the Church does. The Apostles are the divinely appointed and divinely empowered organs of the Church. As the human body sees through its specialized organ of seeing, the eye, and hears through its specialized organ of hearing, the ear, and thinks through its specialized organ of thinking, the brain, so the Apostles receiving their authority, not from the Church but from our Lord,¹ who is Himself the chief member of the Church, that is to say its Monarch and Head, exercise under Christ the delegated royalty and priesthood which He has conferred upon them, and so act as organs through which in a super-eminent degree the corporate royalty and priestliness of the Church express themselves here upon earth.

¹ Dr. Armitage Robinson (*Essay on the Primitive Ministry in Swete's Early History of the Church and Ministry*, p. 88) says: "We shall not any longer be disposed to question Lightfoot's view that authority rested with the Twelve and S. Paul on the ground of a commission held directly from our Lord."

But we must consider the wording of the commission carefully, and very specially the wording of the first clause, which in a sense governs the whole. Our Lord said: "As the Father hath sent Me, even so send I you." As one reads the words, one remembers at once that our Lord had used very similar words three days before the evening of that first Easter Day. In the course of the great prayer which our Lord had addressed to His Father in the same night that He was betrayed He had said: "As Thou didst send Me into the world, even so sent I them into the world."¹ These words occur in that section of the prayer in which our Lord is interceding for His immediate disciples, in other words for the Eleven. As Bishop Westcott points out in the analysis of the prayer which precedes his detailed commentary on the chapter, the prayer "falls into three main sections: I. The Son and the Father (vv. 1-5); II. The Son and His immediate disciples (6-19); III. The Son and the Church (20-26)"²; and in the preliminary observation which precedes his commentary on the third section of the prayer (vv. 20-26) he says: "The prayer of the Lord is now extended from the Eleven to the Church, and through them to the world."³ The eighteenth verse belongs then to the section which deals with the Eleven and not to the section which deals with the Church. The admirable Presbyterian commentator, Monsieur F. Godet, takes the same view⁴; and in fact no other view is possible. Moreover, in this eighteenth verse our Lord is looking forward to the future conflict which the Apostles when they went forth into the world were to have with the Evil one in whom "the whole world lieth."⁵ In verse 15 He had said: "I pray not that Thou shouldest take them out of the world, but that Thou shouldest keep them out

¹ St. John xvii. 18.

² *The Speaker's Commentary on the New Testament*, vol. ii. p. 237.

³ *Op. cit.* ii. 245.

⁴ Cf. F. Godet, *Commentaire sur l'Évangile de saint Jean*, tome ii. p. 538.

⁵ 1 St. John v. 19.

of the Evil one." Notwithstanding the dangers which would assuredly beset the Apostles from the assaults and atmosphere of the Evil one, our Lord had already, in His divinely ordered plan, determined to send those Eleven into the world, as the Father had sent Him into the world. Dean Alford is surely right, when, commenting on this eighteenth verse, he says: "Verse 18 is proleptic¹—and received its fulfilment in chapter xx. 21." St. Chrysostom explains the passage in the same way. Commenting on this verse, he says: "It was His custom to speak of the future as having come to pass."²

That this great commission, recorded by St. John in the twentieth chapter of his Gospel, was given directly to the Apostles, and only to the Church because the Apostles form part of the Church and are the divinely empowered organs of the Church, has been the general belief of Christians in all ages. It is only in relatively recent times that, so far as I am aware, any other view has been taken; and the ancient teaching, not to say the obvious meaning of the passage in the Fourth Gospel when compared with the parallel passages, holds its ground at the present time among theologians and exegetes belonging to sections of Christendom which differ from each other on many important points. This matter is so important that it will be well to illustrate what I have said by specimen passages and references.

Speaking of our Lord, St. Cyprian (A.D. 251) says: "To all His Apostles after His Resurrection He gives

¹ Some suppose that our Lord used a past tense, ἀπέστειλα, because of His first mission of the Apostles to the villages of Galilee; but if so, it could only be because in His divine plan that preliminary limited mission in some sense included the oecumenical work which the Apostles were to carry out after Pentecost. It is for their *future* life and work that He is praying; and if the removal of the earlier limitations (St. Matt. x. 5, 6) was to be made clear, it needed that a fresh commission should be given, as it was given three days later. On the whole, the explanation given by St. Chrysostom and Dean Alford seems the simplest.

² St. Chrysost. *in Joann. Homil. lxxxii.*, P.G. lix. col. 443: ἔθος δὲ αὐτοῦ καὶ τὸ μέλλον ὡς γεγονός λέγειν.

equal power, saying to them : ‘ As the Father sent Me, I also send you. Receive the Holy Ghost,’ etc.”¹

Similarly St. Firmilian, living in distant Cappadocia, writes (A.D. 256): “ Christ breathed on the Apostles only, saying : ‘ Receive the Holy Ghost,’ etc.”²

St. Cyprian and St. Firmilian took the same side in the baptismal controversy of the third century, and to the same party belonged Clarus of Mascula, to whom reference is made in note 1; but it is interesting to observe that the ablest opponent of that party, the author of the treatise *De Rebaptismate*, agreed with his adversaries on the point which we are considering. In the fourth chapter of his treatise he says : “ Our Lord, after His Resurrection, when He had breathed on His Apostles and had said to them ‘ Receive the Holy Ghost,’ not till then bestowed the Holy Ghost upon them.”³

A quarter of a century earlier, Origen in his treatise *On prayer* had said : “ But the words in the Gospel according to John concerning the power of remission granted to the Apostles run thus : Receive the Holy Ghost; whose sins ye remit, they are remitted to them, etc.”⁴

About the year 370 that very remarkable theologian, commonly called Ambrosiaster, who seems to have been in fact no other than the converted Jew, Isaac, wrote as follows :

¹ St. Cypr. *de Cath. Eccl. Unit.*, cap. iv., *Opp.* edit. Hartel, pars i. p. 212 : “ Quamvis apostolis omnibus post resurrectionem suam parem potestatem tribuat et dicat : ‘ Sicut misit me pater et ego mitto vos. Accipite spiritum sanctum ’ etc.” See also St. Cypr. *Ep.* lxxiii. *ad Jubaianum*, cap. vii., *Opp.* ii. 783, and the Judgement of Clarus of Mascula, the 79th of the *Sententiae Episcoporum* delivered at the seventh of the Cyprianic councils (St. Cypr. *Opp.* i. 459).

² *Ep. inter Cyprianicas*, lxxv. cap. xvi., *Opp.* St. Cyprian. ii. 821 : “ In solos apostolos insufflavit Christus dicens : ‘ accipite spiritum sanctum,’ etc.”

³ St. Cyprian. *Opp.* iii. 73 : “ Dominus quoque noster post resurrectionem, cum insufflasset et dixisset apostolis suis ‘ accipite spiritum sanctum,’ ita demum largitus eis spiritum sanctum.”

⁴ Origen. *Libell. de Orat.* cap. xxviii., *P.G.* xi. 528 : ‘ Ἐχουσι δὲ ἐν τῷ κατὰ Ἰωάννην εὐαγγελίῳ αἱ περὶ τῆς τῶν ἀποστόλων γινομένης ἀφέσεως φωναὶ οὕτως· Λάβετε πνεῦμα ἅγιον· ἂν τινων ἀφῆτε τὰς ἁμαρτίας, ἀφίενται αὐτοῖς· κ.τ.λ.

“That which the Lord is recorded to have communicated by insufflation to His disciples . . . when He said, ‘Receive the Holy Ghost,’ is understood to be ecclesiastical power. . . . Therefore this which was in-breathed is a certain grace which is infused by transmission (*per traditionem*) into those who are ordained.”

In the next paragraph he shows that he rightly understands that the word “disciples,” as used by St. John in his twentieth chapter, means in fact the Apostles; for, contrasting the gift given on the evening of Easter Day with the gift imparted at Pentecost, he says that the latter “est generalis,” “for the Holy Ghost came down [at Pentecost] not only on the Apostles but also on all the believers.”¹

The patristic passages which I have quoted or referred to belong to the third and fourth centuries. I am not aware of any second-century writer who quotes or refers to St. John xx. 21–23; and I know of no writer belonging to those early centuries who shows any sign of believing that the sacred commission recorded in the Fourth Gospel was granted in the first instance to any except the Apostles. The Epistle of St. Clement of Rome to the Corinthians was probably written before the Gospel of St. John, as Bishop Westcott observes²; and therefore there could be no allusion in that Epistle to the commission as recorded by St. John. St. Clement may however have obtained knowledge of the wording of the commission directly from St. Peter, one of the two Apostles who organized the Roman Church, or by oral

¹ *Quaestiones Vet. et Nov. Test.* edit. Souter (Vindobon., 1908), *Corp. Scriptorum Eccl. Lat.* tom. I. pp. 163, 164, cap. xciii. n. 2: “Illud autem quod insufflasse in discipulos Dominus legitur . . . et dixisse: ‘Accipite Spiritum Sanctum’ ecclesiastica potestas intellegitur esse. . . . Inspiratio ergo haec gratia quaedam est quae per traditionem infunditur ordinatis.” “Non solum enim in Apostolos, verum etiam in omnes decedit Spiritus Sanctus credentes.” To complete the testimony of the fourth century reference may also be made to St. Ambrose (*De Poenit.* lib. ii. cap. ii., *P.L.* xvi. 499), and, as witnessing on behalf of the East, to St. Chrysostom in his comments on St. John xx. 22, 23 (*Homil. lxxxvi. in Joann.* x. 3, *P.G.* lix. 471).

² *The Speaker’s Commentary on the N.T.*, vol. ii. p. xxix.

tradition from those who may have learnt it from him ; and there is in fact a passage in the forty-second chapter of St. Clement's Epistle which seems to have been influenced by that wording. But of that passage something will be said later. [See below, on pp. 40, 41.]

There can be no doubt that the patristic view prevailed throughout the Middle Ages ; and it has certainly been the prevailing view among Anglican theologians since the Reformation. I have not space to quote the passages, but I will give a few specimen names with full references in the footnotes. The view which I have been defending was the view taken by Cranmer,¹ Hooker,² Andrewes,³ Sanderson,⁴ Pearson,⁵ Beveridge,⁶ and many more. And when we come to our own times, even if we exclude for obvious reasons the names of divines who would be commonly classed as avowed disciples of the Tractarian movement, I find the same view taken by F. D. Maurice,⁷ Dr. Swete,⁸ Dr. Gwatkin,⁹ Dr. Armitage Robinson,¹⁰ and Bishop Ellicott.¹¹

From what has been said it will be seen how very inadequate and misleading Dr. Lindsay's account of the matter is, when, speaking of the commission recorded by St. John, he says : " Some Anglicans insist that the third

¹ Cranmer's *Catechism*, edit. Burton, 1829, p. 195.

² Hooker, *Eccl. Pol.* V. lxxvii. 6.

³ Andrewes, " Sermon of the Power of Absolution," *Sermons*, edit. Oxford, 1843, vol. v. pp. 91, 92.

⁴ Sanderson, Postscript to " Episcopacy not Prejudicial to Regal Power," *Works*, ed. Jacobson, v. 191.

⁵ Pearson, *Determ.* i. *Ordo Episcopalis est Apostolicus in Minor Works*, edit. Churton, i. 284.

⁶ Beveridge, Sermon on " Christ's Presence with His Ministers," *Works*, edit. Oxford, 1842, vol. i. p. 9.

⁷ F. D. Maurice, *The Kingdom of Christ*, Dent & Co.'s " Everyman's Library " edit. ii. 89-91.

⁸ H. B. Swete in Hastings' *Dictionary of the Bible*, s.v. " Holy Spirit," ii. 407a.

⁹ H. M. Gwatkin in Hastings' *Dictionary of the Bible*, s.v. " Ordination," iii. 631b.

¹⁰ J. Armitage Robinson in *Encyclopædia Biblica*, s.v. " Apostle," i. 265.

¹¹ Ellicott, *Historical Lectures on the Life of our Lord*, 5th edit., 1869, p. 398, n. 2.

promise was made to the Eleven only, even if the company included other disciples.”¹ It is not “some Anglicans” only who insist on this view of the matter, it is the whole tradition of the Christian Church from the beginning until recent times; and even now in these latter days, some of the greatest names among Continental Protestants have accepted the interpretation which Dr. Lindsay repudiates so dogmatically. I will mention four such names, giving the actual words used by one of them. If it had been worth while to make a longer search, I could doubtless have found any number of others. These then are the four names: Meyer, Weiss,² Godet,³ and Schmiedel,⁴ men of very different opinions, but all of them highly distinguished Continental Protestants. The first of these, H. A. W. Meyer, of Göttingen, commenting on the words “whose soever sins ye forgive,” etc. (St. John xx. 23), describes the gift as being “the peculiar authority of the Apostolical office, for the exercise of which they were fitted and empowered by this impartation of the Spirit. It was therefore an individual and specific charismatic endowment. . . . The apostolic power of the keys in the sense of the Church is contained directly in the present passage.”⁵

III

Having done what I could, however imperfectly, to set forth some of the reasons which have induced the Church to believe that our Lord gave after His Resurrection certain powers to the Apostles, and did not give them to all His followers, I desire to point out that in a

¹ Lindsay, *The Church and the Ministry*, p. 30.

² Bernhard Weiss, *Biblical Theology of the N.T.* § 154, Engl. tr. 1883, vol. ii. p. 404.

³ F. Godet, *Commentaire sur l'Évangile de saint Jean*, tome ii. p. 652.

⁴ P. W. Schmiedel in *Encyclopædia Biblica*, s.v. “Ministry,” iii. 3126 (c). This author undoubtedly teaches that the writer of the Fourth Gospel intended to represent our Lord as having given the commission, recorded in St. John xx. 21-23, to the first Apostles and not to the disciples in general.

⁵ Meyer's *Gospel of John*, Engl. tr. 1875, vol. ii. p. 381.

very true sense the Apostolic office was intended to last until our Lord returns in glory. There are two passages in the Gospels which bring out this important fact with peculiar clearness, namely St. Luke xii. 42-44 and St. Matthew xxviii. 20. I will deal with these passages in the order in which they stand above.

In the preceding verse of the passage in St. Luke's Gospel, St. Peter is set before us as asking a highly important question: "Lord, speakest Thou this parable unto us, or even unto all?"¹ The parable, to which St. Peter refers, is the parable which begins with the words "Be ye yourselves like unto men looking for their lord, when he shall return from the marriage feast."² In that parable there had been included an amazing promise: "Blessed are those servants, whom the lord when he cometh shall find watching: verily I say unto you, that he shall gird himself and make them sit down to meat, and shall come and serve them."³ St. Peter wishes to know whether this promise is applicable to all believers, or whether the promised reward is something reserved for the Apostles. Our Lord does not precisely say that ordinary believers are excluded from the promise; but He emphasizes its special applicability to the Apostles and their successors. His answer to the question begins with a counter-question—"Who then is the faithful and wise steward (οἰκονόμος), whom his lord shall set over his household (θεραπειας), to give them their portion of food in due season?"⁴ The θεραπεία here is the whole body of household slaves in the service of the lord. The οἰκονόμος is also a slave, but he is a slave entrusted by the lord with the superintendence and management of all the other slaves. The θεραπεία corresponds with the "all" in St. Peter's question; the οἰκονόμος corresponds with the "us," that is with the Apostles. Our Lord then goes on thus: "Blessed is that slave, whom his lord, when he cometh, shall find so doing,"⁵ that is to say,

¹ St. Luke xii. 41.

² *Ibid.* xii. 36.

³ *Ibid.* xii. 37.

⁴ *Ibid.* xii. 42.

⁵ *Ibid.* xii. 43.

giving faithfully their portion of food to the subordinate slaves at the proper times. "Of a truth I say unto you, that he will set him over all that he hath."¹ Our Lord in figurative language promises an official reward in the kingdom of glory to those who through all the ages until His return shall have faithfully exercised the Apostolic office here below. The perspicacious Presbyterian commentator, Godet, makes at this point a very significant and true observation. He says :

" Cette parole paraît impliquer que, dans la pensée de Christ le ministère de la Parole se perpétuera jusqu'à son retour. Les apôtres l'ont si bien compris, qu'au moment de quitter la terre ils ont pourvu à sa continuation par l'établissement du pastorat, qui a la mission de pourvoir à la distribution régulière de la nourriture spirituelle aux troupeaux qui composent l'Eglise, la maison du Seigneur ; comp. les épîtres Pastorales et i. Pierre v. *La théorie, qui fait du pastorat une émanation et une représentation de l'Eglise, n'est pas biblique ; cette charge est une émanation de l'apostolat, lequel procède de Christ ; il est ainsi médiatement une institution de Jésus lui-même.*"²

There can, I think, be no doubt that Godet is entirely correct when he denies that the Christian Ministry is derived by delegation from the Church at large, and when he asserts that, according to the teaching of the Bible, the Ministry inherits its authority from the Apostolate, which itself received its commission wholly from Christ. The un-Scriptural theory, which Godet opposes, has never been accepted by the Church. If it ever had been accepted and acted on, such a proceeding would have been tantamount to a sacrilegious usurpation by the Church of the crown-rights of her Divine Lord.

That the apostolate was to be perpetuated through the ages until our Saviour's return appears also from the wording of the promise bestowed by our Lord on the Eleven, and recorded in the last verse of St. Matthew's

¹ St. Luke xii. 44.

² Godet, *Commentaire sur l'Évangile de saint Luc*, c. xii. 42-44, edit. 1889, tome ii. p. 156.

Gospel: "Lo, I am with you alway, even unto the end of the world."¹ That promise forms the gracious conclusion of the great commission, which our Lord after His Resurrection gave to His Apostles on the mountain in Galilee, whither in fulfilment of His own appointment they had come to meet Him. Dr. John Wordsworth, the late Bishop of Salisbury, speaking of the commissions given to the Apostles during the forty days which followed our Lord's Resurrection, says:

"In those days He removed the limits which He had previously set to their activity; He gave them the world for their sphere and made them His representatives in it; He bade them make disciples of all nations, and introduce them into His kingdom by baptism into the threefold name; He left them to teach His commandments; *He looked forward to a continuance of their ministry to the end of time.*"²

Two hundred years earlier, Bishop Beveridge of St. Asaph, referring to St. Matthew xxviii. 20, had discussed the question—"In what sense the Apostles were to continue to the end of the world," and had said:

"It is plain . . . that the persons to whom our Saviour speaks these words, were not to be here so long, being all long ago dead. And therefore I do not see how we can possibly understand the words in any other sense than this, even that our Lord spake them to His Apostles, not as private persons, as Peter, James, or John, etc., but as Apostles, as persons now placed by Him in an office, that should always continue in His Church. So that the promise is made not so much to the persons of the Apostles, as to the Office Apostolical; or at least to their persons only as vested with that office, and by consequence to all persons to the end of the world, that should ever have that office conferred on them."³

The Bishop then goes on to show that to be called immediately by Christ was not an exclusive apostolic prerogative, for so also were the Seventy and many others.

¹ St. Matt. xxviii. 20.

² Bishop John Wordsworth, *The Ministry of Grace*, edit. 1901, pp. 110, 111.

³ Beveridge, Sermon on "Christ's Presence with His Ministers," *Works*, edit. Oxford, 1842, vol. i. p. 5.

Again, to be divinely inspired to speak all manner of languages, to foretell things to come, to work miracles to confirm their doctrine, was shared by many others who were not Apostles. These things formed no part of the apostolic office, but were extraordinary favours and privileges vouchsafed to the persons of the Apostles.

“ But the office properly apostolical consisted only in such things as had an immediate reference to the propagating, edifying, and governing of the Church in all ages. . . . This was properly the office apostolical, which therefore was not to die with the persons of the Apostles, but was to be transmitted by them to all after-ages, as our Lord Himself intimates in the very description of it. For He here bids His Apostles go and make all nations His disciples ; which, it is plain, the persons He spake these words to neither did nor ever could accomplish, being to continue, as we know they did, but a little while upon earth. . . . And therefore this command itself, as well as the promise, must needs be so understood, as to be given not only to the persons of the Apostles then present, but to all that should succeed them in that office to the end of the world.”¹

IV

I hope that, as far as it is possible to do so within the limits of an article like this, I have established on the basis of Holy Scripture the two fundamental truths on which the doctrine of the Apostolic succession rests. These truths are (1) that our Lord selected, trained, and commissioned His Apostles, imparting to them far-reaching powers enabling them to propagate and govern the Church ; and (2) that our Lord intended that the ordinary powers of the apostolical office should be transmitted by the Apostles to others who should succeed them, and that the office and the powers belonging to the office, thus transmitted, should continue in the Church until our Lord's return in glory. It remains that I should attempt to show, in what I fear will be a sadly hurried

¹ Beveridge, *op. cit.* vol. i. p. 6.

fashion, how the second of these principles was in fact carried out.

I pass over the aggregation of St. Matthias and of St. Paul to the Apostolic college, because they were, neither of them, invested with the Apostolic office by way of transmission of authority from those who were Apostles before them. St. Paul assures us that he was "an Apostle not from men, neither through men, but through Jesus Christ and God the Father."¹ I entirely agree with Dr. Lindsay² and Sir William Ramsay³ and Dr. Gore⁴ that St. Paul claimed to have been and was an Apostle from his conversion,⁵ and that the separation of him for his missionary work among the Gentiles, which took place at Antioch by the special direction of the Holy Ghost, was in no way the origin of his Apostolate.⁶

I also pass over with regret any discussion of what is sometimes called the charismatic ministry, about which much has been written of late. That ministry would include persons like Andronicus and Junias, who bore the great title of Apostles,⁷ though of course in the case of them and of others like them it did not imply the possession of the high and lofty powers which were entrusted to the Twelve and to St. Paul. These inferior Apostles and the subordinate order of Prophets belong to the first century of the Christian era. As Dr. Turner observes: "After the beginning of the second century the two orders disappear."⁸ Even in St. Clement's Epistle to the Corinthians, which was written before the end of the first century, and deals with the subject of the Christian Ministry, we read nothing about them.⁹ They were a

¹ Gal. i. 1.

² Cf. Lindsay, *The Church and the Ministry*, 4th edit. p. 92, n. 1.

³ Cf. Ramsay, *St. Paul the Traveller*, pp. 66, 67.

⁴ Dr. Gore, *The Ministry of the Christian Church*, edit. 1889, p. 259.

⁵ Cf. Acts xxii. 21 and xxvi. 17.

⁶ Cf. Acts xiii. 1-3.

⁷ Cf. Rom. xvi. 7.

⁸ C. H. Turner, *Studies in Early Church History*, p. 16.

⁹ Dr. Turner (*op. cit.* p. 30) says that in St. Clement's Epistle "the Apostles are the Twelve alone."

temporary phenomenon, concerning which very little of an authentic nature is really known,¹ and they seem to have little or nothing to do with the subject of the Apostolic Succession, which was the constitutive principle of the permanently abiding ministry of the Church.

That permanently abiding ministry began of course with the great Apostles themselves. They had received their mission and consecration from our Lord, who had Himself been sent and sealed (St. John vi. 27) by God the Father. Even the Incarnate Son of God Himself could not possibly, it would appear, carry out His Messianic ministry without mission and solemn setting apart for the fulfilment of His charge; and the mission must come from One who had authority to send, and the solemn setting apart from One who had authority to consecrate. This mission and consecration carried within it authority to transmit a similar mission and consecration to His own successors, the Apostles. And so our Lord said to them: "As the Father hath sent me even so send I you. Receive ye the Holy Ghost." And again this Apostolic mission and consecration conveyed to the Apostles the authority to transmit to their successors

¹ We should know somewhat more than we do about the charismatic ministry, if it were safe to rely on the information supplied by the Didache. But our best scholars practically warn us against any such reliance. Dr. Turner (*op. cit.* p. 31), for example, writes as follows: "If the 'Teaching' is to be a factor in the full current of Church development, it ought to be placed about the year 60; it does not follow that so early a date is inevitable, if the 'Teaching' represents—and we have seen that it does represent—a line of thought of a quite unique and comparatively alien cast." Dr. Turner suggests that the Didache "emanates from some remote half-isolated district, perhaps beyond the Jordan" [Compare Dr. Swete, *The Holy Spirit in the Ancient Church*, pp. 400 and 414], and he holds that "a date between 80 and 100 A.D. is as late as" he is "prepared to admit." On the other hand Dr. Armitage Robinson, in an article entitled "The Problem of the Didache," which appeared in the *Journal of Theological Studies* for April 1912 (vol. xiii. pp. 339-356), evidently holds that the Didache was written well on in the course of the second century, though before the time when "Montanism had attained any considerable vogue" (p. 355). His view appears to be that the Didache contains a fancy sketch of what the writer supposed to be the state of things about a hundred years before his own time. Dr. Robinson (p. 354) concludes that the writer "contributes almost nothing, except doubtful exegesis, to advance our knowledge of the early Christian ministry."

the ordinary and permanent powers belonging to their office ; and thus it must go on until our Lord returns.

We must study next the way in which the government of the Church was carried on in the Pentecostal days and afterwards. As Bishop Lightfoot says :

“ St. Luke’s narrative represents the twelve Apostles in the earliest days as the sole directors and administrators of the Church. . . . To relieve them from the increasing pressure, the inferior and less important functions passed successively into other hands ; and thus each grade of the ministry, beginning from the lowest, was created in order. The establishment of the diaconate came first. . . . The Apostles suggested the creation of this new office, but the persons were chosen by popular election and afterwards ordained by the Twelve with imposition of hands.”¹

Thus, looking at the Church on its human, earthly side, it started its course under the sole government of the Apostles ; and, when other orders of ministry were created, their power was derived from that of the Apostles, and it was exercised under the high superintendence and direction of the Apostles. It was the inferior and less important functions which were communicated to the priests and deacons, the higher functions remaining in the hands of the Apostles. Moreover, as soon as the first and lowest order, that of the diaconate, was called into existence, it became evident that the government of the Church was to be hierarchical.²

It must further be noticed that this hierarchy was not merely a hierarchy of jurisdiction. It was also a hierarchy of order. One could imagine a hierarchy being constituted, in which all the members, in whatever grade they might be placed, should possess equally all the sacramental powers conferred by our Lord on the apostolate, so that the difference between one grade and another would solely consist in the possession of a greater or less degree of directing authority. A plan of that sort might

¹ Lightfoot, *Dissertations on the Apostolic Age*, edit. 1892, p. 144.

² Dr. Swete (*The Holy Catholic Church*, p. 87) says : “ The whole Church is a hierarchy divided into orders.”

have been followed; but in fact that was not the plan which the Apostles under the guidance of the Holy Ghost elected to follow. There was indeed in the several grades a difference in the measure of directing authority which each possessed; but there was also a difference of sacramental power. When St. Philip, the deacon, went down to the city of Samaria, he proclaimed the Christ unto the Samaritans, he also worked miracles, and finally he baptized the new converts.¹ The miracles which he worked were due no doubt to charismatic gifts of exorcism and healing which had been bestowed on him, not as part of his diaconal office, but as an extraordinary aid to the successful exercise of that office. On the other hand, he proclaimed the Christ and he baptized the neophytes in his capacity as an ordained deacon. But there were sacramental functions which, as a deacon, he had no power to exercise. He could not ministerially bestow the Holy Ghost by the laying on of hands; in other words he could not complete the sacramental initiation of the new converts by confirming them. It was necessary that the Apostolic college at Jerusalem should send two of its number, St. Peter and St. John, to Samaria to finish the work which St. Philip had so well begun. They did not take this journey in order to preach or work miracles or baptize. At any rate, if they did, St. Luke has not thought it worth while to record the fact. What he records is that they prayed for the newly baptized that they might receive the Holy Ghost, and then through the laying on of their hands the Holy Ghost was given.²

One quite understands how it came to pass that Renan, studying these episodes of the book of the Acts from a detached standpoint, comes to the conclusion that

¹ Cf. Acts viii. 5-12.

² Cf. Acts viii. 14-18. Compare also St. Paul's similar action at Ephesus, recorded in Acts xix. 5, 6, and bear in mind the fact that the laying on of hands, which followed Baptism, is numbered among "the first principles of Christ" in Heb. vi. 1, 2. The Samaritan episode shows clearly, I think, that deacons had no authority to confirm. It of course throws no light on the question whether, when presbyters began to be ordained, they could or could not be allowed to confirm.

one of the favourite *theses* of the author of that book was "l'institution divine de la hiérarchie."¹ For myself, I do not believe for a moment that St. Luke inserted these things in his book in order to bolster up a favourite *thesis*. He inserted them because he knew on the highest authority that the divine institution of the hierarchy was a fact, and a fact of very great importance.

The creation of the order of the priesthood or of the presbyterate seems like that of the diaconate to have taken place at Jerusalem; and along with the presbyterate there emerged at the same time and in the same place a still higher office, namely that which in later times would have been described as the monarchical episcopate. Bishop Lightfoot connects these important events with the martyrdom of St. James the Greater, which "seems to have been the signal for the withdrawal of the Apostles themselves from Jerusalem."² "Since Jerusalem would no longer be their home as hitherto, it became necessary to provide for the permanent direction of the Church there; and for this purpose the usual government of the synagogue would be adopted. Now at all events for the first time we read of 'presbyters' in connexion with the Christian brotherhood at Jerusalem."³ "So, consigning the direction of the mother Church to James the Lord's brother and the presbytery, they [the Apostles] depart thence to enter upon a wider field of action."⁴

St. James, the brother of the Lord, though possibly not one of the Twelve, was anyhow an Apostle on a level with the Twelve⁵ and with St. Paul. He is named in

¹ Renan, *Les Apôtres*, edit. 1866, p. xxxix.

² Lightfoot, *St. Paul's Epistle to the Galatians*, 4th edit. 1887, p. 303.

³ Lightfoot, *St. Paul's Epistle to the Philippians*, 4th edit. 1878, p. 193.

⁴ Lightfoot, *Galatians*, p. 303.

⁵ Cf. Lightfoot's comment on Gal. i. 19 (*op. cit.* pp. 84, 85). St. James was already an Apostle when St. Paul visited Jerusalem in A.D. 38. Père Lagrange, O.P., in his *Évangile selon saint Marc* (pp. 72-89), has given some weighty reasons tending in the direction of identifying St. James, the Lord's brother, with St. James, the son of Alphaeus. But see Dr. Knowling's Introduction to his *Westminster Commentary on St. James's Epistle*, pp. xxvii and lxxvi, nn. 2, 3.

Gal. ii. 9 before St. Peter and St. John, in a passage where St. Paul is enumerating those "who were reputed to be pillars." He undoubtedly presided at the Council of Jerusalem, where a number of Apostles, including St. Peter, St. Paul, and St. Barnabas were present.¹ He is carefully distinguished from the presbyters of his Church in Acts xxi. 18: "The day following Paul went in with us unto James; and all the presbyters were present." St. Peter, when mentioning the officials of the Church of Jerusalem, mentions only James, omitting all reference to the presbyters: "Tell these things unto James and to the brethren." No doubt, in a sense, he was a member of the Jerusalem presbytery; but on account of his apostolic office he towered far above all the other members of that body. It must be remembered that St. Peter himself, addressing the Christians of the Churches in the group of provinces constituting what we now call Asia Minor, says: "The presbyters therefore among you I exhort, *who am their (ὁ) fellow-presbyter,*"² and the same style is adopted by the monarchical Bishops of later times, such as St. Cyprian,³ St. Augustine,⁴ and others, who speak of their presbyters, or of presbyters to whom they were writing, as "compresbyteri."

But, while the presbyterate had its origin at Jerusalem, so soon as the missionary work of the Church was extended to the Gentiles, presbyters were appointed by the Apostles to shepherd the Gentile Churches. So Bishop Lightfoot says:

"On their very first missionary journey the Apostles Paul and Barnabas are described as appointing presbyters in every

¹ I may perhaps be allowed to refer to *The Primitive Saints and the See of Rome*, 3rd edit. 1900, pp. 113-116.

² 1 St. Peter v. 1.

³ St. Cyprian, *Ep. xiv. ad Presbyteros et Diaconos fratres*, § 4, *Opp.*, ed. Hartel, ii. 512.

⁴ St. Augustine, *Ep. xl.*, *P.L.* xxxiii. 154; *Ep. lxxvii.*, *P.L.* xxxiii. 236; *Ep. lxxi.*, *P.L.* xxxiii. 241, etc., and compare Ambrosiaster, *Quaestiones Vet. et Nov. Test.*, qu. cxxvii., edit. Souter, *Corp. Scriptorum Eccl. Lat.* vol. 1. p. 196 (Vindobon., 1908).

Church.¹ The same rule was doubtless carried out in all the brotherhoods founded later ; but it is mentioned here and here only, because the mode of procedure on this occasion would suffice as a type of the Apostles' dealings elsewhere under similar circumstances."²

But there is a difference to be noticed in this early stage of missionary work among the Gentiles between the organization of the Gentile Churches and the organization of the mother Church at Jerusalem. We do not read of St. Paul and St. Barnabas appointing any representatives of the Apostolic order to fill, in the several Gentile Churches, the *rôle* which St. James filled at Jerusalem. The reason is obvious. The mother Church was relatively a Church of long standing, which had enjoyed the presence of the whole college of Apostles from the day of Pentecost until the government of the Church was handed over to St. James and his presbyters. By that time there would doubtless be no difficulty in giving to the Church of Jerusalem complete autonomy. Moreover the Christians of Jerusalem had all their lives been worshippers of the One true God, and had lived under the discipline of His law ; and there was an Apostle at hand, a brother of the Lord, ready to be their Bishop. But it would be most improbable that, among the new converts from heathenism, who formed the Gentile Churches of St. Paul's foundation, any one would be found who was fitted to act as its monarchical Bishop. The most ordinary prudence would make it necessary that St. Paul should retain in his own hands the higher functions of government and of sacramental ministrations, under which head I specially include ordination. As to the question whether he conferred on the Gentile presbyters the right to administer confirmation, I cannot speak with certainty. In the East and in parts of the West presbyters were allowed to confirm as early as the fourth century and perhaps earlier ; but I know of no conclusive evidence bearing on the subject in the Apostolic

¹ Acts xiv. 23.

² Lightfoot, *Philippians*, p. 193.

age. Nevertheless, on the whole, I think that it is probable that the Gentile presbyters *were* given authority to confirm.¹ It is no doubt dangerous to argue from silence; but I am impressed with the fact that, while there is so much in the first Epistle to Timothy and in the Epistle to Titus about the careful selection of candidates for ordination, there is nothing similar said about confirmation. There is, so far as I can remember, no allusion to confirmation in either of those Epistles. Such silence is not conclusive, but it points in the direction which I have indicated.

I shall speak more fully about ordination presently. At the point at which we now are, I desire to emphasize the fact that, as regards the Churches of his foundation, St. Paul obviously retained in his own hands the higher functions of government. Dr. Hamilton has gathered together in a very convincing way the proofs of this position, at any rate so far as the specially gifted Corinthian Church was concerned. He says:

“The Greek religious confraternities passed their by-laws and resolutions, and had their special officers to carry them into effect. Did the Christian communities do likewise? In the course of time such an organization was developed, but it was not coeval with the earliest foundation of the Churches. In fact, at the time of 1 and 2 Cor., so far were the Pauline Churches from possessing any special permanent officers for this purpose, that they scarcely seem to have exercised these functions at all. The Corinthian Church, for instance, not only wrote to St. Paul for instruction on the subject of marriage (1 Cor. vii. 1-24), virgins (1 Cor. vii. 25-40), things sacrificed to idols (1 Cor. viii.), and

¹ The general practice of the Church shows that presbyters have a capacity for being permitted to confirm. That permission may be given by special licence from superior authority, or by recognized local custom. Confirmation, unlike ordination, is a rite intended for all Christians, and so long as large numbers of local Churches were under the supervision of an itinerating Apostle, who from the nature of his work could only visit any particular Church at very rare intervals, it would seem probable that he would sanction the administration of confirmation by the local resident presbyters. At a later stage, when each local Church had its resident monarchical Bishop, the circumstances would be entirely altered.

possibly also spiritual gifts (1 Cor. xii.); but even points with which a local organization might surely have dealt were left to the decision of the Apostle. Thus the Apostle settles the question of the uncovering of men's and the covering of women's heads at divine service (1 Cor. xi. 2-16); gives regulations for the control and order of speakers (1 Cor. xiv. 26-33), and addresses by women (1 Cor. xiv. 34-5); and even appoints the method by which the money for the poor at Jerusalem is to be gathered, and sends an envoy to organize it (1 Cor. xvi. 1-4, 2 Cor. viii. 6). If such matters as these did not fall within the scope of a legislative organization, one cannot but wonder what class of subject was left for it to deliberate and resolve upon. It would seem, then, that at the time when 1 and 2 Cor. were written, the Corinthian Church knew nothing of special officers for legislative purposes." ¹

The substantial accuracy of Dr. Hamilton's conclusions is thoroughly corroborated by the wholly independent statement made by Professor Schmiedel. He says :

"The attitude assumed by Paul towards the communities of his own founding wholly departs from the analogy furnished by the heathen guilds of worship. Paul's attitude is wholly patriarchal. He acted on the ground that he was their father with thorough-going seriousness (1 Cor. iv. 14 ff.). He commands (1 Cor. xi. 17-34, xiv. 26-40, xvi. 1), and that very definitely, precisely where institutions are concerned. He makes very short work with contumacy (1 Cor. vii. 40; xi. 16; xiv. 37 ff.). Partisanship on behalf of individual teachers he sets down (1 Cor. iii. 3 ff.) to carnal-mindedness, disregard of his authority to arrogance (1 Cor. iv. 18). He disclaims judgement of himself (1 Cor. ii. 14-16; iv. 3-5) with a clearness that leaves nothing to be desired. Against the Judaizing teachers he declares himself in 2 Cor. xi. 13-15, Gal. i. 7-9, v. 10-12 with the greatest asperity. In short, in his person there appears the same unconditioned authority which Jesus had." ²

How different from all this is the view of the matter taken by Dr. Lindsay ! He says : "The assembly of the local Church summoned even Apostles before it, and

¹ Hamilton, *The People of God*, vol. ii. pp. 99, 100.

² Schmiedel, *s.v.* "Ministry," *Encyclopædia Biblica*, iii. 3111.

passed judgement upon their conduct [Acts xi. 1-4]. *The Apostles might suggest, but the congregation ruled.*"¹ And again, speaking of the Pauline Epistles, which he divides into two groups, namely (1) the earlier Epistles, and (2) the Pastoral Epistles, Dr. Lindsay says :

“ In the earlier letters we see the Apostle encouraging every form of spontaneous action, and how he made the infant communities feel that the whole responsibility lay upon their shoulders. In the later Epistles the master-builder shows his deputies how carefully he was accustomed to guide the exercise of that responsibility *with scarcely felt touches of the hand.*”²

The readers of this article must decide whether in their opinion Lindsay on the one side or Hamilton and Schmiedel on the other approach nearest to the truth. To me it seems clear that with whatever lightness of touch St. Paul may have, on occasion, guided his converts, he was always conscious of his supreme apostolic authority, and exerted it to the utmost, whenever he felt it to be desirable to do so. The idea that, in regard to the first age of the Church, it is true to say that “ the Apostles might suggest, but the congregation ruled,” appears to me (I say it with all respect) to be simply ludicrous ; and the whole conception of the relation of the Apostles whether to the inferior clergy or to the laity, which is summed up in that idea, seems to me to be wholly un-Scriptural.

The upshot of this discussion seems to be that the mother Church of Jerusalem, after the departure of the Twelve, was organized under St. James, the brother of the Lord, as Apostolic President, assisted by a college of presbyters and by the deacons, originally seven in number ; and that the Gentile Churches founded by St. Paul were ruled principally by the Apostolic Founder who appointed and ordained the inferior clergy, and reserved to himself the chief share in the government of each of the Churches

¹ Lindsay, *The Church and the Ministry*, 4th edit. p. 32.

² Lindsay, *op. cit.* p. 144.

which he founded,¹ settling the matters which needed to be settled either by word of mouth on the occasions when he personally visited them,² or, during his absence, by writing Epistles to them, or by sending to them delegates such as Timothy, Erastus, Titus, and others.³ During the periods when St. Paul was absent from any of these Churches of his foundation, the Holy Eucharist was celebrated, and Baptism and probably also Confirmation were administered, by the presbyters whom he had ordained. In some Churches there were also deacons, who in subordinate ways assisted the presbyters; but there can be no doubt that the deacons neither celebrated nor confirmed. At Ephesus, towards the end of St. Paul's life, some of the presbyters laboured in the Word and in teaching.⁴ Perhaps at an earlier stage that sort of work was for the most part or even wholly left to charismatic persons, whether clerical or lay.

I do not propose to waste time and space in setting out once more the proof that the great majority of the Fathers who have in any way dealt with the matter were right in holding that the officials spoken of in Phil. i. 1, 1 Tim. iii. 2, Tit. i. 7 as ἐπίσκοποι, are to be identified with officials spoken of in the Acts, Pastoral Epistles, and in some of the Catholic Epistles as πρεσβύτεροι. This identification is accepted by Lightfoot, Sanday, Bishop Chase, Lindsay, Gwatkin, Loofs, Schmiedel, Sir W. Ramsay, Löning, Rainy, Bigg, Knowling, and Hamilton.⁵ The later use of the word ἐπίσκοπος to denote, not presbyters in the restricted sense of the term, but the ordainer and ruler of such presbyters, does not appear in Christian literature before St. Ignatius of Antioch wrote his Epistles in the time of Trajan. The office itself is

¹ Cf. 2 Cor. xi. 28 : "My daily solicitude, my anxious care for all the churches."

² Cf. 1 Cor. xi. 34.

³ Cf. Acts xix. 22 ; 2 Cor. viii. 6, 16, 23.

⁴ 1 Tim. v. 17.

⁵ See the full references given in Hamilton (*op. cit.* ii. 215). I take the list, which of course could be much lengthened, from him.

earlier than the time of St. Ignatius—I should think at least seventy years earlier¹; but the application of the title of bishop to the holder of the office is not found in any extant writing earlier than St. Ignatius' Epistles.

V

Here it will be well to go a little more into detail in regard to the functions committed to the presbyters in the Gentile Churches founded by St. Paul. I have no doubt that Dr. Hamilton is right in regarding the celebration of the Holy Eucharist as belonging to the presbyter's office and as constituting its most essential feature.² He is considering the office as it existed in the first fifteen or sixteen years of its existence, in order to find out what was its primary *raison d'être*; and he discusses in turn each of the various kinds of corporate activity, which might conceivably have been handed over from the very beginning to the presbyters' leadership. He gives good reasons for thinking that these office-bearers were not called into existence in order to deal with legislative and executive work,³ nor for the administration of finance,⁴ nor for the administration of justice and discipline,⁵ nor to preside at meetings for prayer and edification.⁶ He admits that the presbyters took part in pastoral work; but he thinks that they took part in it "as a secondary and incidental duty."⁷ Finally he shows on general grounds and by the express evidence of what he regards as the earliest Christian literature outside the New Testament, namely St. Clement's Epistle to the Corinthians and the Didache, that there was the closest connexion between the presbyters and

¹ The martyrdom of St. James the Greater and the dispersion of the Twelve are events which are commonly assigned to the year A.D. 44. It must have been in that year at latest that St. James, the brother of the Lord, began to preside over the Church of Jerusalem.

² Cf. Hamilton, *op. cit.* pp. 99–120.

⁴ *Op. cit.* pp. 101–105.

⁶ *Op. cit.* p. 107.

³ *Op. cit.* pp. 99–101.

⁵ *Op. cit.* pp. 105, 106.

⁷ *Op. cit.* pp. 106, 107.

the Eucharist. Speaking of St. Clement's Epistle, he says: "This whole letter . . . may be said to be a vigorous protest against allowing anyone but a duly authorized presbyter or bishop to fill the bishop's place in offering gifts"; and he continues thus: "The Didache, again, speaks of the weekly Eucharist (c. xiv.): and then goes on to say 'Appoint therefore for yourselves bishops and deacons' (c. xv.). The 'therefore' shows the connexion between the Eucharist and the bishops and deacons."¹

The Clementine Epistle is of course a document of the very highest importance. I do not for myself attach much importance to the Didache; but I give Dr. Hamilton's quotation from it for what it may be worth.

I am not sure that I altogether agree with Dr. Hamilton's view that the presbyters only took part in pastoral work "as a secondary and incidental duty." When our Lord publicly reinstated St. Peter, after his penitence for his threefold denial, in the full right to exercise his apostolic office, He emphasized the fact that the apostolic office was in its relation to the main body of the Church a Pastorate. He said "Feed My lambs"; "Shepherd My sheep"; "Feed My sheep." The whole Church is a flock which was committed to the shepherding of the Apostles; and every local Church is a flock committed for all ordinary purposes to the shepherding of the resident representatives of the Apostles. The presbyters of Ephesus or Philippi were representatives of the founder-Apostle, St. Paul, and were under-shepherds, appointed to feed the local flock; and no doubt they fed it in a pre-eminent way, when they celebrated the Holy Eucharist. Accordingly when St. Paul at Miletus gave his great charge to the Ephesian presbyters, his central injunction ran thus: "Take heed unto yourselves, and to all the flock, in the which the Holy Ghost hath made you bishops, to feed the Church of God, which He purchased with His own Blood."²

¹ *Op. cit.* p. 112.

² Acts xx. 28. Cf. 1 St. Peter v. 2.

I should therefore regard the presbyters of the Pauline Churches as pastors from the beginning; but I should also assert in the strongest way that the central and most important function of their pastorate was the celebration of the Holy Eucharist. When they baptized and confirmed, if they did confirm, they were dealing not with their Church, but with neophytes whom they were initiating into full membership in the Church. But when they celebrated the Holy Eucharist, they were offering the Church's Sacrifice, and providing the Banquet on which the Church was to feed.

VI

We now pass to the consideration of the way in which presbyters and deacons became presbyters and deacons. It is quite certain that the first deacons were ordained by the Apostles with prayer and the laying on of hands (see Acts vi. 6); and, as in the whole history of the Church during the first fifteen centuries no instance has ever been recorded of a deacon being ordained without prayer and the laying on of hands, it may be presumed that, to use Lightfoot's words about the apostolic appointment of presbyters, "it is mentioned here and here only, because the mode of procedure on this occasion would suffice as a type of the Apostles' dealings elsewhere under similar circumstances."¹

As regards presbyters, no record of the circumstances attending the appointment and ordination of the first presbyters at Jerusalem has reached us. Presumably they were appointed and ordained by St. James, either acting alone or in co-operation with other Apostles, and the choice of the persons may very probably have been made by the whole assembly of the Church of Jerusalem, or at least the assent of that assembly to the choice made by Apostles may have been signified. In the case of the presbyters in the Pauline Churches, we are told by

¹ See above, on pp. 23, 24.

St. Luke that, in the course of St. Paul's first missionary journey in Southern Galatia, he and his fellow-Apostle, St. Barnabas, appointed for the disciples presbyters in every Church.¹ St. Luke does not expressly mention the laying-on of hands, though he does mention prayer and fasting; but, as we know that St. Paul laid hands on Timothy, when he ordained him, and believed that an important charisma was bestowed on Timothy by that laying on of hands,² and as there is no rebutting evidence of any sort or kind, we may assume that in Galatia and elsewhere St. Paul used the rite of the laying-on of hands, whenever he ordained.

The next important point to notice is that there is no trace in the New Testament of presbyters presuming to ordain either to the diaconate or to the presbyterate. Presbyters did indeed join in the laying on of hands, when St. Paul ordained Timothy³; just as to this day, both in the Anglican and Latin Churches, presbyters join with the Bishop in the laying on of hands at the ordination of a presbyter; and in the Latin Church, when a Bishop is to be consecrated, and the full canonical number of three consecrating Bishops cannot be obtained, one or, if necessary, two presbyters supply the place or places of the one or two Bishops who may be lacking. Of course the consecration could not take place at all if there were no consecrating Bishop. When Pelagius I, in A.D. 555, was consecrated to the See of Rome, there were only two Bishops present, John of Perusium and Bonus of Ferentinum. Accordingly, the presbyter, Andreas of Ostia, had to take the place of the absent third. And there are not a few similar cases recorded as having happened at the consecration of Bishops belonging to the Roman communion. It need hardly be added that, if Scripture contains no trace of ordination by presbyters, it naturally contains no trace of ordination by deacons or lay people; nor of what would be still more unthinkable,

¹ Cf. Acts xiv. 23.

² Cf. 2 Tim. i. 6.

³ Compare 2 Tim. i. 6 with 1 Tim. iv. 14.

the creation of a presbyter by mere election without any ordination at all.

Are we then to understand that, according to the Scriptures of the New Testament, the Apostles were the only persons who had the right to ordain? By no means. We have, of course, hardly any information about the other Apostles; but we may reasonably suppose, in default of any evidence to the contrary, that their practice in such a matter agreed with that of St. Paul. Now St. Paul had what one may venture to call a number of staff officers at his disposal, and to two of these, perhaps to all of them, he had communicated, no doubt by ordination, the apostolic power of ordaining. A year or so before his martyrdom, after his release from his first captivity at Rome, he left Titus in Crete, charging him to appoint presbyters in every city¹; and he gives him detailed instructions, as to what sort of persons he is to appoint, in an Epistle written after his departure from the island.²

It was presumably during the same voyage that he went, accompanied by Timothy, to Ephesus, or at any rate to Miletus; and him he left at or sent to Ephesus, when he himself was starting to proceed on his way to Macedonia.³ To Timothy also he sent a letter after he had parted from him, full of detailed directions as to how he was to use the very extensive powers over the members of the Church of Ephesus, which had been committed to him. Among these entrusted powers was that of selecting men whom he could appoint, some to the presbyterate, others to the diaconate; and instructions are given to Timothy, not unlike those given in the Epistle to Titus, telling him what sort of persons he is to choose both for the higher and also for the lower office. It must be remembered that the Church of Ephesus was no longer a Church in its early infancy. It had been founded ten or eleven years before; and a college of presbyters had been shepherding it for at least seven years, that is to say, ever

¹ Titus i. 5.

² *Ibid.* i. 6-9.

³ 1 Tim. i. 3.

since the close of St. Paul's long sojourn there. If these presbyters had been accustomed to ordain other presbyters during that time, whenever additional presbyters were needed, it seems very strange that St. Paul should give such detailed instructions to Timothy as to the sort of people he was to promote at Ephesus to the diaconate and to the presbyterate. Why should it be supposed that Timothy's sojourn at Ephesus would be the occasion of a general ordination, if the local presbyters had been doing all that was necessary in that matter? Moreover, if the local presbyters had authority to ordain, it would have been obviously wiser to direct Timothy not to meddle in a department of work which could be much better dealt with by the local clergy, who would have an intimate knowledge of those who were seeking ordination. The whole of this first Epistle to Timothy seems to me to imply that Timothy belonged to an order in the hierarchy superior to that to which any of the Ephesian clergy had attained; and I should be inclined to think that he had been consecrated to that superior order at Lystra, when St. Paul took him to be his associate in his apostolic work.¹ Both Silvanus and Timothy seem to be called "Apostles of Christ" in 1 Thess. ii. 6; and I notice that Dr. Lindsay assumes that both the laying on of St. Paul's hands, mentioned in 2 Tim. i. 6, and the laying on of the hands of the presbytery mentioned in 1 Tim. iv. 14, took place at Lystra on the occasion to which I have referred.²

Perhaps Tychicus and Artemas may also have been Apostles in the wider sense. One of them, presumably Artemas, was to be sent to Crete, apparently to carry on

¹ Cf. Acts xvi. 3. Oecumenius (*Comment. in Ep. i. ad Timoth.* i. 18-20, P.G. cxix. 145) seems to teach that Timothy was consecrated to the episcopate immediately after his circumcision.

² See Lindsay, *The Church and the Ministry*, p. 143, n. 1. Dr. Lindsay describes the event in a characteristically minimizing way. Speaking of Timothy, he says: "The Apostle received him with the kindly Jewish benediction, laying his hands on his head (2 Tim. i. 6); and the elders of the Church also gave the young man their benediction before he set out on his new life-work (Acts xvi. 1-4; 1 Tim. iv. 14)."

Titus' work (Tit. iii. 12); and at a later date Tychicus was sent to Ephesus, when Timothy was bidden to come to be with St. Paul at Rome (2 Tim. iv. 12 and 9). Titus, when he left Crete, was to join St. Paul at Nicopolis in Epirus (Tit. iii. 12); and later, he went up the eastern coast of the Adriatic to Dalmatia, presumably on a mission similar to the one which he had carried out in Crete. As Titus' mission to Dalmatia is coupled with that of Crescens to Galatia,¹ it is not impossible that Crescens also may have been a minor Apostle. These are merely suggestions, which however have, all of them, in my opinion, some foundation. If there is any truth in them, they tend to show that other members of St. Paul's staff,² besides Timothy and Titus, were Apostolic Evangelists empowered to ordain.

On the other hand, the notion that all presbyters in the Pauline Churches had received authority to ordain appears to have no Scriptural evidence in its favour, and some very strong Scriptural evidence militating against its truth.³

It is time now to pass to the very important evidence of the letter addressed by the Church of Rome to the Church of Corinth, commonly called the Epistle of St. Clement of Rome, and, no doubt, drafted by that illustrious saint.

It will be well, before examining the statements made in the letter, to recall some things connected with St. Clement and with the Roman Church, which tend to enhance the importance of what is stated in the letter.

¹ 2 Tim. iv. 10. Galatia possibly means Gaul in this passage.

² See above, p. 33.

³ Compare Dr. Gore's statement quoted below, on p. 44, n. 1. If it could be proved that the Pauline presbyters had authority to ordain, such a conclusion would not in any way affect the principle of the Apostolic Succession. It would merely mean that the Pauline presbyter-bishops ought to be identified, so far as the power of ordination is concerned, with Ignatian Bishops and not with Ignatian presbyters. In that case the presbyters of the second and third centuries, who undoubtedly had no power to ordain, must have been a novelty, when they were first introduced. But it does not seem worth while to spend time in discussing a theory which has no basis.

Bishop Lightfoot, speaking of Apostolic visits to the Roman Church, says :

“The visit of Paul was followed after an interval (we know not how long) by the visit of Peter. Now at all events Clement must have been a Christian, so that he would have associated directly with both these great preachers of Christianity. Indeed his own language seems to imply as much. He speaks of them as ‘the *good* Apostles’ (cap. v.)—an epithet which suggests a personal acquaintance with them. The later traditions, which represent him as having been consecrated bishop by one or other of these Apostles, cannot be literally true ; but they are explained by the underlying fact of his immediate discipleship.”¹

Lightfoot goes on to point out the probability of Clement having been also acquainted with St. Mark and St. Luke and with Silvanus, Timothy, Titus, and others, who were followers of one or other or both of these Apostles, and were in Rome during their sojourn there.²

Clement’s name stands third in the older and more authentic lists of the Bishops of Rome ; his immediate predecessor being Cletus or Anencletus, who succeeded the first Bishop, Linus. St. Irenaeus, speaking of St. Peter and St. Paul and their work in Rome, says :

“The blessed Apostles, having founded and built up the church, entrusted the ministry of the episcopate to Linus. . . . Anencletus succeeds him. After him, in the third place from the Apostles, Clement obtains the episcopate, who also saw the blessed Apostles and conversed with them, and was not alone in having before his eyes the still well-remembered message proclaimed by the Apostles and their tradition ; for many, who had been taught by the Apostles, were in his day still left remaining.”³

Bishop Lightfoot, speaking of Linus and Anencletus, says : “As regards the names, I see no reason to question that they not only represent historical persons, but that they were bishops in the sense of monarchical rulers of

¹ Lightfoot, *St. Clement of Rome*, edit. 1890, i. 73.

² Cf. Lightfoot, *op. cit.* p. 74.

³ St. Iren. *adv. Haer.* III. iii. 2.

the Roman Church.”¹ One may perhaps conjecture that, after the great fire of Rome in July A.D. 64, when it was evident that Nero was intending to divert men’s minds from himself by ordering the Christians to be massacred in large numbers, the two Apostles may have consecrated Linus to be at Rome what St. James was at Jerusalem,² and, considering how uncertain it must have been whether Linus would survive the impending persecution, they may have also consecrated Anencletus and Clement, with a right of succession so as to secure in that terrible time the survival at Rome of at least one of those whom Tertullian calls “transmitters of the Apostolic seed.”³

But to return to the Clementine Epistle. The first point to notice is that, though there is no doubt that St. Clement drafted the letter, his name does not appear in it. The opening salutation begins thus: “The Church of God which sojourneth in Rome to the Church of God which sojourneth in Corinth.” Such an opening could not have headed the letter, unless St. Clement had submitted the draft at least to the Roman Presbytery,⁴ perhaps to a general meeting of the whole Roman Church. We know from the letter itself (cap. xlv.) that there were at that time presbyters at Corinth, who had been appointed by the Apostles; and the same was no doubt also true in regard to some of the Presbyters at Rome. Consequently the facts stated in the letter about the Apostles’ actions and teaching are guaranteed to us as true not only by St. Clement but by other men of age and experience,

¹ Lightfoot, *St. Clement of Rome*, edit. 1890, i. 340; see also *op. cit.* i. 68.

² We do not know what persons in this position were called in the first century. In the second century they would have been called “bishops”; but that would have been much too lowly a title for them in the first century, when the terms “bishop” and “presbyter” were equivalent. The term “Apostolic president” seems to describe them well enough.

³ Tertullian, *De Praescript. Haereticorum*, cap. xxxii. “apostolici seminis traduces.”

⁴ Compare the opening salutation of St. Polycarp’s Epistle to the Philip-pians, which begins thus: “Polycarp and the presbyters with him to the Church of God which sojourneth at Philippi.”

who had been selected by the Apostles as being worthy of being promoted to the sacred ministry.

The occasion, which called forth the writing of this letter, is thus set forth in summary form by Dr. Hamilton :

“The Corinthian Church,” he says, “had obtained a wide reputation for harmony, peace and good works. Unfortunately this happy state of affairs did not continue, but was interrupted by a serious disturbance, led by a few ‘headstrong and self-willed persons,’ which resulted in the removal of certain elders from their office and the introduction of others into their places.”¹

The news of this disturbance reached the Roman Church in some way or other. I hardly think that Dr. Hamilton is right in his suggestion that the Corinthian Church “asked for the advice of the Roman Church” about this matter. The Roman Church speaks distinctly in the letter (cap. xlvii.) of their having heard of the disturbance in consequence of a “report” having “reached” them; and they make no allusion to any communication having been sent to them by the Church of Corinth. It was customary in those early days of the Church for Christian Bishops and their presbyters to send advice and even remonstrance to sister Churches, when the circumstances seemed to call for such action.²

The purpose of the whole Epistle, which contains sixty-five chapters, is to persuade the Corinthian Church to restore to their office the presbyters who have been wrongfully thrust out from their ministrations. The pith of the argument is contained in the five chapters, xl. to xlv. inclusive. Of these the last is the most important for us, on account of the light which it throws on the matters which we are considering. But, before we deal with that forty-fourth chapter, it will be well to quote some passages from the preceding chapters. In the fortieth chapter the Roman Church says :

“We ought to do all things in order, as many as the Master

¹ Hamilton, *op. cit.* ii. 127.

² Compare Eusebius (*Hist. Eccl.* iv. 23), and see Batiffol (*L'Église Naissante*, 5me édit. 1911, pp. 196, 201).

(ὁ δεσπότης) has commanded to perform at their appointed seasons. Now the offerings and ministrations (τάς τε προσφοράς καὶ λειτουργίας) He commanded to be performed with care, and not to be done rashly or in disorder, but at fixed times and seasons [*or* hours, ὥραις]. And where and by whom He would have them performed, He Himself fixed by His supreme will : that all things being done with piety according to His good pleasure might be acceptable to His will. They therefore that make their offerings at the appointed seasons are acceptable and blessed : for while they follow the institutions of the Master they cannot go wrong."

Hitherto the reference has been to the offerings and ministrations which form the principal part of the public worship of the Church under the new covenant. Then, as Lightfoot points out, there follows "an instance from the old dispensation," which is "adduced to show that God will have His ministrations performed through definite *persons*. . . . It is an argument from analogy." Then in the forty-first chapter the letter goes on to say : "Let each of you, brethren, in his own order, give thanks (εὐχαριστεῖτω) unto God, maintaining a good conscience, and not transgressing the appointed rule of His service, but acting with all seemliness." Lightfoot expressed his opinion that the reference in this passage is chiefly, though not solely, to the celebration of the Holy Eucharist. The general meaning is that presbyters, deacons, and lay people have each their own appointed part to carry out, when the Eucharistic services are being celebrated, and that the subordinate orders must not intrude into the ministries reserved for the higher orders. The letter goes on to point out that, under the old law, those who do anything contrary to certain sacrificial regulations sanctioned by God will be punished with the penalty of death ; and, applying the lesson to be deduced from this enactment to the Corinthian Christians, it says : "Ye see, brethren, in proportion as greater knowledge hath been vouchsafed unto us, so much the more are we exposed to danger." Naturally, St. Clement and his Roman presbyters, having been trained by St. Peter and St. Paul, realized vividly the awful danger of un-commissioned

persons intruding without authority into the administration and celebration of the sacramental rites of the new and better covenant of Christ.

Lightfoot summarizes the first part of the forty-second Chapter thus: "The Apostles were sent by Christ, as Christ was sent by the Father. Having this commission they preached the kingdom of God." The letter continues thus: "So preaching everywhere in country and town, they appointed their first-fruits, when they had proved them by the Spirit, to be bishops¹ and deacons unto them that should believe . . . And what marvel, if they, which were entrusted in Christ with such a work by God, appointed the aforesaid persons (τοὺς προειρημένους)" *sc.* to be bishops and deacons? Then follows the account of how Moses vindicated the office of the priesthood by placing the rods of the twelve tribes within the tabernacle, and, when on the morrow the doors were opened, it appeared that Aaron's rod alone had budded.²

And so we come to the important forty-fourth chapter, most of which must be transcribed. It begins thus:

"And our Apostles knew through our Lord Jesus Christ that there would be strife over the name of the bishop's office. For this cause therefore, having received complete foreknowledge, they appointed the aforesaid persons (τοὺς προειρημένους), and afterward they gave an additional law (ἐπινομήν ἐδώκασιν A, legem dederunt L³) to the effect that, if they⁴ should fall asleep

¹ It is hardly necessary to remind the reader that in this letter the term "bishop" is used, as it is used by St. Paul, to mean the same as the term "presbyter."

² This account is set forth at some length, and occupies the greater part of the forty-third chapter.

³ Dr. C. H. Turner (*Studies*, p. 253), speaking of cod. L, which contains the Old Latin translation of the Epistle, says: "In any combination with A it is almost certain to be right." For the conjunction of the terms "dare" and "legem," and of the corresponding Greek terms, see St. John vii. 19 and compare St. John i. 17.

⁴ It seems to me to have been very unfortunate that Bishop Lightfoot, in his translation of this passage, should have used the word "these" instead of "they." It may conceivably be a true gloss; but it is a *gloss* and not a translation. It practically amounts to inserting the word οὗτοι between ἐάν and κοιμηθῶσιν in the text. If the word "these" was to be inserted at all, it should have been printed in italics, to indicate that there was nothing corresponding with it in the text.

(ἐὰν κοιμηθῶσιν), other approved men should succeed to their ministration (διαδέξωνται ἕτεροι δεδοκιμασμένοι ἄνδρες τὴν λειτουργίαν αὐτῶν). Those therefore who were appointed by them, or afterward by other men of repute (ἢ μεταξὺ ὑφ' ἑτέρων ἔλλογίμων ἀνδρῶν) with the consent of the whole Church, and have ministered (καὶ λειτουργήσαντας) unblameably to the flock of Christ in lowliness of mind, peacefully and with all modesty, and for long time have borne a good report with all—these men we consider to be unjustly thrust out from their ministration. For it will be no light sin for us, if we thrust out from the bishop's office those who have unblameably and holily offered the Gifts.”¹

Speaking of the argument running through these five central chapters of the Epistle, Dr. Hamilton says :

“There is here a clear, consistent, and forcible line of argument. God has appointed all divine worship according to a definite order : and in the order appointed by His Will, Christ is from God, the Apostles are from Christ, the presbyters are from the Apostles, and therefore their ejection is a sin. But if St. Clement contemplated a class of presbyters who might be described as not from the Apostles, the whole sequence of the argument is destroyed : still more if St. Clement had thought that the Corinthians would be able to point to a regular class of presbyters in any part of the world, who were not from the Apostles, then he must have realized that his argument from the divine order and sequence could carry no weight. Further, the individuals who usurped the position of the ousted presbyters had apparently the authority of the Corinthian Church behind them, but not that of the Apostles ; this however does not suffice to place them on a level with the older presbyters. St. Clement is not content that the ejected elders should be restored and given a place by the side of those whom the local Church has instituted : the usurpers must submit and withdraw entirely (capp. liv. and lvii.). And if we ask why, the reason given is because the new arrangement is not in accordance with the order appointed by the will of God, which involves a sequence through Christ and the Apostles. Hence it is clear that the innovators are regarded as being in

¹ I am glad to see that Funk translates this last clause in the same way that I have translated it. His version runs thus : “ Non enim leve erit peccatum nostrum, si eos, qui sancte et sine reprehensione munera obtulerunt, episcopatu eicimus.”

rebellion against divinely appointed authority, because they had no Apostolic sanction. . . . We must conclude that St. Clement had no idea of a third class of presbyters¹ not on the direct line of Apostolic descent, and that the ἕτεροι ἐλλόγιμοι ἄνδρες included no persons who were not empowered according to the further injunction [*i. e.* the ἐπινομή] of the Apostles, to ordain elders. Sound criticism will recognize that we have here evidence of the highest historical value. . . . This latter has the value of contemporary evidence on the question of appointment of clergy by Apostles.”²

I have quoted the whole of this long passage, because the conclusions seem to me to follow without any doubt from the whole trend of St. Clement's line of argument, and they are well expressed; although I am not quite satisfied with Dr. Hamilton's interpretation of one or two of the expressions in the Clementine letter. He has unfortunately accepted Lightfoot's insertion of the word “these” before κοιμηθῶσιν,³ and this insertion seriously modifies what I believe to have been St. Clement's meaning, and makes the connexion between the argument and the conclusion derived from it less clear and forcible than it would otherwise have been.

I would invite the reader to study carefully the forty-fourth chapter of the Epistle. St. Clement, or rather the Roman Church headed by St. Clement, says that “our Apostles”⁴ knew by revelation that there would be strife over the bishop's, that is the presbyter's, office. And it was partly with the view of minimizing or wholly warding off this strife, that the Apostles did two things: (1) They appointed their first converts in every place, where they

¹ The other two classes being (1) those appointed by the Apostles, and (2) those who at a later date were appointed by other ἐλλόγιμοι ἄνδρες.

² Hamilton, *op. cit.* ii. 133, 134.

³ See above, p. 40, n. 4.

⁴ Perhaps by the expression, “our Apostles,” the Roman Church means here its own Apostles, St. Peter and St. Paul, who were also recognized at Corinth as the Apostolic planters of the Corinthian Church, as St. Dionysius of Corinth mentions (*circa* 170) in his Epistle to Pope Soter (Euseb. *Hist. Eccl.* ii. 25). If this view is not accepted, the reference must be to all the great Apostles.

preached, to be presbyters and deacons ; and (2) at a later date they promulgated an additional law, in order that, if [*i.e.* when ¹] *they* should fall asleep, other approved men might succeed to their ministrations. There were of course other reasons why the Apostles should be the ordainers of the first set of clergy, but here St. Clement for the purposes of his argument emphasizes the minimizing or avoidance of strife. So long as the Apostles were in full vigour, they could, either by personal visits or by giving a commission to apostolic delegates like Titus, establish or keep up, by ordination, the supply of clergy ; but the question would arise, What is to be done when the Apostles die ? With a view to that event they gave directions which would secure that after their death other approved persons should succeed to their ministry as ordainers and chief rulers. The ἐπινομή, or additional law, must have provided for the election, approval, and ordination of these successors to the Apostles, thus securing an arrangement which would tend to keep off strife. Presumably, these successors would for a time be of two sorts, namely (1) apostolic evangelists such as Timothy and Titus and perhaps Artemas and Tychicus and Crescens and others, and (2) apostolic presidents of churches such as Linus of Rome, and possibly Evodius of Antioch, and any others who may have been appointed. A generation later, when St. Clement and his presbyters wrote the Epistle to the Corinthian Church, the presbyters at Rome and Corinth were also of two sorts, namely (1) those who had been ordained by Apostles or under commission from them, and (2) those who, since their death, had been ordained by the ἐλλόγμοι ἄνδρες, the successors of the Apostles. It is to be noted that the Clementine Epistle in dealing with this matter contemplates four categories of persons : (1) Apostles ;

¹ For ἐάν in the sense of "when," see Tob. iv. 3—ἐάν ἀποθάνω, θάψον με, and compare St. John xii. 32 ; xiv. 3 ; 1 St. John ii. 28 ; iii. 2. If anyone should insist on the element of uncertainty, which very frequently enters into the meaning of ἐάν, it may be pointed out that the Apostles never knew whether our Lord's second coming would not take place before their death.

(2) Presbyters ordained by Apostles ; (3) Successors of Apostles (ἐλλόγιμοι ἄνδρες) ; (4) Presbyters ordained by Successors of Apostles.

There were two sets of ordainers and two sets of ordained. All these four sets of persons had been appointed to a ministry (λειτουργία), though the two sets of ordainers had a higher λειτουργία than the two sets of ordained. Again, the ordained needed to be approved before they were ordained ; and *a fortiori* the ordainers, the ἐλλόγιμοι ἄνδρες, who were to succeed the Apostles, would need still more to be approved before they could be consecrated to their higher and more responsible office. Bishop Lightfoot, without sufficient reason, as I humbly think, identifies the third category with the second. He apparently supposes that at some time or other the Apostles gave to all apostolically ordained presbyters the power to ordain others. From the point of view of the doctrine of the apostolical succession, I have no objection to this theory. My objection is purely from the point of view of history. I see not the slightest trace of presbyters exercising this power¹ either during the Apostles' lifetime or afterwards. On the contrary, I find that the directions given to Timothy at Ephesus presuppose that the Ephesian presbyters did not possess this power. And if all presbyters had been given this power by the Apostles, I find it difficult to believe that the Apostolic arrangement could have been changed in later times without a good deal of friction, of which there seems to be no trace. Dr. Lindsay himself, who of course believes that the Apostolic arrangement was changed in later times, admits that this change " was effected peacefully, and we hear of no disturbances in consequence." ² It should be added that he regards the providing of a Bishop, such as St.

¹ Dr. Gore, *The Holy Spirit and the Church*, edit. 1924, pp. 301, 302, says : " There is really nothing in the New Testament to support the idea that any church had the right to elect and appoint its own officers without the intervention of the Apostles, or those who held quasi-Apostolic authority, like Timothy and Titus, to ordain to the ministry with laying-on-of-hands."

² Lindsay, *The Church and the Ministry*, 4th edit. p. 169.

Ignatius describes, to preside over the presbytery, as a change which was "simple, natural, and salutary."¹

I cannot think of any better words to sum up my own view of what is the right interpretation of this forty-fourth chapter of the Clementine Epistle, than the words used by Dr. Turner in his summary of the most important part of that same chapter. Dr. Turner says :

"In St. Clement's Epistle to Corinth (1 Clem. xlv.) we meet with a class unnamed, who intervene between the Apostles and the local ministry of *episcopi* or *presbyters*, who are *ἐλλόγιμοι ἄνδρες*, 'men of repute,' who after the Apostles' death, in their place and with their power, appoint (subject to the consent of the Church) to the presbyteral office."²

If Bishop Lightfoot's interpretation is correct, we have at first local presbyteries with very little authority, under the jurisdiction of an Apostle who rules with practically autocratic power. Then, after the death of the Apostles, we have presbyteries, under no superior authority, with full powers of government. And then, in the early part of the second century, St. Ignatius describes the presbyteries, of which he had knowledge, as being under the monarchical rule of the single bishop. Moreover, at some point during the first of these periods, the presbyters received from the Apostles (in consequence

¹ Lindsay, *ut supra*.

² C. H. Turner, article on "The Early Christian Ministry and the Didache," which appeared in the *Church Quarterly Review* for April 1887 (vol. xxiv. p. 139), and has been republished in Mr. Turner's *Studies* (edit. 1912, p. 28). Bishop John Wordsworth seems to me to understand Clement as meaning that the *δεδοκιμασμένοι ἄνδρες* succeed (*διαδέξωνται*) the Apostles, and are not, as Lightfoot supposes, the successors of the *προειρημένοι*, that is to say—of the before-mentioned presbyters and deacons. Speaking of the numerous bishoprics in Asia Minor, Africa, and South Italy, and of the relatively small number of bishoprics in North Italy, in the fourth century, Bishop Wordsworth (*The Ministry of Grace*, p. 145) says: "But whether they are few or many, all these Bishops are considered to be successors of the Apostles. The succession is no new idea, but one that comes to us from Clement of Rome in the first century (*Ad Cor.* 44, *διαδέξωνται*), through Hegesippus and Irenaeus (iii. 3) in the second, and Hippolytus and Cyprian in the third (*Epp.* 45, 66 &c.), to name only the most prominent authorities who speak of it."

of their ἐπιμονή¹ or, as the better reading has it—ἐπινομή) power to ordain, which power was again taken away from them in the course of the second century. It would seem to me that very clear historical evidence would have to be produced before such a theory can be admitted. And, so far as I know, no such evidence is producible.

Unless I am wholly mistaken, the Clementine Epistle bears witness to a state of things in the Church of the first century, which is in complete harmony with our Lord's revelation of His Will that the Apostolical office, which He created and empowered, should be perpetuated in the Church until His Return in glory. It is also in complete harmony with the practice of the Apostolic Church from the first century to the present time.

No doubt it must be admitted that, during the first eighty years of the second century, the evidence about the organization of the Church is not so plentiful as we might wish it to be. But, so far as I am aware, there is nothing out of harmony with that which clearly was in existence both before the beginning of that period and after its close. As Dr. Salmon very truly says :

“Immediately after the Apostolic times Church history, as it were, passes through a tunnel. There is bright light on the history as long as we have the New Testament to guide us, and there is bright light again when we come down to the copious Christian literature, which began to be plentiful towards the end of the second century. But there is a comparatively dark intervening period, of which we have but few records. . . . It is a great convenience to ingenious speculators to be unchecked by documentary evidence, and accordingly the attempt has been made to form a theory of Church government by disregarding the periods concerning which the evidence is copious and attending only to that dark period where the scantiness of the evidence puts little restraint on conjecture. But it is a common experience with those who grope in dark chambers to come out covered

¹ Lightfoot adopted without manuscript authority the reading ἐπιμονή. He died before the discovery of the Old Latin version which confirms the reading in Cod. A.

with cobwebs, and I fear that no more complimentary epithet can be applied to speculations in which the best part of the evidence is systematically set aside. . . . When the Church comes out of the tunnel, of which I spoke, into the full light of history, we find bishops ruling everywhere, and no one having the least suspicion that since the Apostles' times any other form of Church government had prevailed. Two things lead me to think that they were not wrong in their belief. If the original form of government had been different, I cannot think that a change would have been universal, or that it could be silent." ¹

VII

During what may be called the tunnel-period of Church history, the two most illuminating testimonies are (1) the Clementine Epistle, and (2) the Epistles of St. Ignatius and the Epistle of St. Polycarp, which may be treated as one group; and of these the Clementine Epistle is by far the most important for our purpose, because it emphasizes the idea of persons being appointed to succeed the Apostles; and the succession, which it emphasizes, is a succession which depends on a commission derived directly or ultimately from the Apostles. In saying this I have in mind the interesting discussion of the various meanings, which may be attached to the term Apostolic Succession, in the second part of Dr. Headlam's article on Apostolic Succession.² Dr. Headlam enumerates four meanings, and they are these: (1) Succession as Orderly Sequence; (2) Succession as Apostolic Commission; (3) Succession as Continuity of Function; (4) Succession as Transmitting Grace. Now, for myself, I should suppose that all four of these ideas coalesce in the true Scriptural and Catholic teaching about Apostolic Succession. As might be expected, different writers lay stress on different aspects of the truth, according to the exigencies of the argument which

¹ Dr. George Salmon, Sermon on "The Historic Claims of Episcopacy," edit. 1907, pp. 15-19.

² Harford and Stevenson's *Prayer-Book Dictionary*, edit. 1912, pp. 41, 42.

each one may be pursuing, when he has occasion to refer to the Succession. The idea of orderly sequence in single Churches is a perfectly true idea ; but taken by itself, it has nothing to do with Apostolic Succession except in Apostolic Churches, in the restricted sense of that term. St. Irenaeus, in his controversy with the Gnostics, appeals with great force to the tradition of the Apostolic Churches at Rome, Smyrna, Ephesus, and at other places which he does not name ; and he declares that he is “ able to enumerate those whom the Apostles appointed to be bishops in the Churches, and their successors [*or successions*] quite down to his own time.”¹ As Dr. Headlam, summarizing St. Irenaeus’ argument, says : “ Officials duly appointed had succeeded one another openly in the same Church, and this was a guarantee of the due succession of true doctrine and apostolic custom.” “ But,” as Dr. Headlam rightly adds, “ it is not possible to believe that this [orderly sequence] was all he [Irenaeus] meant. They [the bishops] are not only the successors of the Apostles, but with the succession they have received the *charisma veritatis*.”² In regard to this statement I would observe that this *charisma* was one element of the gift which was imparted to them, when they were ordained or consecrated to the episcopate by the laying on of hands ; and if this *charisma* belongs, as it does, to the full idea of Apostolic Succession, it must have been transmitted to them from the Apostles by an uninterrupted line of ordinations. All bishops in the Apostolic Succession and in the communion of the Church, whether their sees are Apostolic or not, receive at and by their ordination this *charisma*, which helps them to fulfil aright their great function of guarding the deposit of the faith. So St. Paul says to Timothy, whom he had consecrated by the laying on of hands : “ O Timothy, guard the deposit.”³ “ Stir up the *charisma* of God which is in thee through the laying

¹ St. Iren. *adv. Haer.* III. iii. 1.

² Cf. St. Iren. *op. cit.* IV. xxvi. 2.

³ 1 Tim. vi. 20.

on of my hands.”¹ “Guard the good deposit through the Holy Ghost which dwelleth in us.”²

As we have seen, the Clementine Epistle dwells entirely on the Apostolic Succession as founded on Apostolic Commission; while St. Irenaeus combines the two ideas, orderly sequence and Apostolic Commission. Thus in the two earliest patristic writers who deal with the succession the first two ideas mentioned by Dr. Headlam are emphasized, the second of these two ideas, which is perhaps the most fundamental idea of all, occupying the whole field in an Epistle drawn up by the immediate disciples of St. Peter and St. Paul.

The third idea of Apostolic Succession mentioned by Dr. Headlam is “Succession as Continuity of Function.” The bishops who succeed the Apostles “have,” as Dr. Headlam says, “performed the [ordinary] functions of the Apostles in the Church since the Apostolic age.”³ This follows from the fact that our Lord willed that the Apostolate should be perpetuated until He comes again. But, as the Apostles would have had no power to perform Apostolic functions if they had not been consecrated and commissioned by our Lord, so their successors could have had no power to exercise those same functions and to transmit them if they had not been consecrated and commissioned by the Apostles or by their duly commissioned successors. In other words, the third idea is only rendered possible by the due carrying out of the fundamental second idea, the idea of succession as founded on Apostolic Commission.

Lastly, we come to the fourth idea of Apostolic Succession mentioned by Dr. Headlam, namely “Succession as Transmitting Grace.” He explains this idea in the following words :

“The Apostles gave the Holy Spirit to the bishops they

¹ 2 Tim. i. 6.

² 2 Tim. i. 14.

³ Dr. Headlam is, I think, explaining here the views of those who hold the idea of succession as Continuity of Function rather than expressing his own view.

ordained, and they have handed it on in the Church ever since. It is through bishops and bishops only that the Holy Spirit is given. This is the meaning which is generally attached to *Apostolical Succession* at the present time, and the form in which it is always attacked by its opponents."

I can quite believe that this is the form in which the idea of transmission is attacked by opponents of the doctrine of the Apostolic Succession ; and I must believe that, as Dr. Headlam says that this is the meaning which is generally attached to Apostolical Succession at the present time, he must have come across it in the writings of our modern Anglican divines, who have carried on the traditions of the Catholic Church at large and of our great post-Reformation Anglican theologians in particular, by upholding the doctrine of Apostolic Succession. But I am bound to say that, though I have, I think, a fair acquaintance with post-Reformation Anglican theology, including very specially what may be called Tractarian theology, I have never in my life come across any single statement of the doctrine which could be twisted into the notion that " it is through bishops only that the Holy Spirit is given." Moreover, I have never heard any sermon in which such a doctrine was preached ; and I have never come across any person who expressed such a view in conversation. Of late, I have taken the opportunity of cross-questioning my friends, especially my clerical friends, on this matter, and I find that their experience is the same as my own.

But while I repudiate with horror the idea that the Holy Spirit is given through bishops only, I most entirely believe that, according to the ordinary laws of God's kingdom, the grace of Orders is given by bishops only, namely when they ordain, and that the Pentecostal gift of the personal indwelling of the Paraclete is given by bishops, and, where the Church allows it, by presbyters, when they confirm. But as, after Pentecost, Christ, our enthroned Lord, was, without the intervention of any bishop, continually imparting to the Apostles and others,

who had been in the Upper Room, in response to their prayers, public or private, vocal or mental, conscious or unconscious, ever larger measures of the Presence of the Holy Ghost, and very specially did He do this when, hungering and thirsting, they came to feed at the Altar on His Body and Blood, so He has been doing the same through all the ages of the Church's history to those who since Pentecost have received the indwelling Presence of the Spirit through Confirmation, and have afterwards sought in similar ways for a larger measure of it. And quite apart from His first solemn entry through Confirmation and the subsequent enlargement of the measure of His personal indwelling, the Holy Ghost is perpetually operating in manifold ways, both sacramental and non-sacramental, on the baptized, and by prevenient grace also on vast multitudes of the unbaptized.

Let us go on now to consider the use of the word "Transmission," to describe the fulfilment by consecrating bishops of all the human conditions which have been regarded since Apostolic times as necessary for the validity of an ordination. Not until those conditions have been fulfilled have we any sure warrant for believing that Christ will impart the supernatural gift of grace which will make the person who is being consecrated to be a successor of the Apostles. I cannot think that the use of that word is at all peculiar to modern Anglican theology. The word is old, and the idea underlying the word has been accepted in the Catholic Church "ubique, semper, et ab omnibus." Both word and idea seem to me to be present in one of the earlier treatises of Tertullian, written about the year 200,¹ when he was still a Catholic. In his *De Praescriptione Haereticorum*,² he challenges heretics to produce the records of the origins of their several Churches, and to show that their first bishop had for his ordainer and predecessor one of the Apostles or of

¹ Cf. Monceaux, *Histoire Littéraire de l'Afrique Chrétienne*, edit. 1901, vol. i. p. 208.

² Cap. xxxii., *Opp.* edit. Oehler, ii. 29, 30.

Apostolic men who continued in fellowship with the Apostles. "For," he says, "in this manner do the Apostolic Churches reckon their origins." Then, as examples, he mentions Polycarp at Smyrna appointed by St. John, and St. Clement at Rome appointed by St. Peter; and he adds: "Just so do the other (Churches) bring forward the names of those, who having been appointed by Apostles to the episcopate, are regarded by them as *transmitters* of the Apostolic seed."¹

I might proceed to quote passages from St. Pacian² and from Ambrosiaster³; but, contenting myself with giving references to these, I shall go on at once to St. Ambrose. He is answering the Novatian objection to the Church's claim to absolve sinners who repent, and he says: "Impossibile videbatur per poenitentiam peccata dimitti. Concessit hoc Christus Apostolis suis, quod ab Apostolis ad sacerdotum officia *transmissum est*."⁴

Of course passages like these set forth the earthly side of sacramental acts which have not only an earthly but also a heavenly side. Exactly similar language is used by the Fathers about Confirmation and Holy Communion. They say that the bishops "tradunt Spiritum Sanctum,"⁵ or they say that the bishops and priests by consecrating the Holy Eucharist "conficiunt corpus Christi"⁶; while at the same time none of them doubt that it is God who, in response to the prayer of the duly ordained minister, whether bishop or priest, sends down the Holy Ghost to

¹ "Perinde utique et ceterae exhibent quos ab apostolis in episcopatum constitutos apostolici seminis *traduces* habeant."

² Cf. St. Pacian. *Ep. i. ad Sympronianum*, cap. vi., *P.L.* xiii. 1057.

³ Cf. Ambrosiast. *Quaestiones Vet. et Nov. Test.*, qu. cx. n. 7, edit. Souter (Vindobon. 1908), *Corp. Script. Eccl. Lat.* tom. l. p. 274.

⁴ St. Ambros. *De Poenit.* lib. ii. cap. ii., *P.L.* xvi. 499.

⁵ The expressions "tradere Spiritum Sanctum," or "dare Spiritum Sanctum," or "vestire Spiritu Sancto," or "tradere septiformem Spiritus Sancti gratiam," etc. are used of the ministers of Confirmation by Tertullian, St. Hippolytus, St. Pacian, St. Jerome, Siricius, St. Chrysostom, Pope Innocent I, St. Leo, and the Gelasian Sacramentary, and by many other Fathers and Councils.

⁶ Cf. St. Hieronym. *Ep. xiv. ad Heliodorum*, n. 8, *Epistulae* edit. Hilberg (Vindobon. 1910), *Corp. Script. Eccl. Lat.* liv. 55; et *P.L.* xxii. 352.

impart the grace of Orders, or to come and dwell in the person who is being confirmed, or to consecrate the bread and wine so that they may become the Body and Blood of our Lord.

For example, St. Ambrose, who in the previously quoted passage states so strongly that the power of remitting sins has been transmitted from the Apostles to the Bishops, states in other passages just as strongly that, while the Bishop ministerially remits sins, it is God who is the principal Agent. Thus in his treatise *De Spiritu Sancto*, having quoted our Lord's words, "Receive the Holy Ghost; whose sins ye remit they are remitted," St. Ambrose says: "Men ask, God grants; for the ministerial act is human, the bountiful outpouring is the work of the Divine Power."¹ One might go on quoting endlessly in illustration of the fact that the Fathers have a twofold way of speaking, according as reference is primarily made to the heavenly or to the earthly side of acts in which heaven and earth have each their necessary share.²

This patristic twofold mode of speech passed on, as might be expected, to the Schoolmen. It will be enough to quote St. Thomas Aquinas. He is discussing the question, "whether God alone operates within the soul for the production of the effect of a sacrament"; and in his general reply he says:

"I answer that it must be said that to operate so as to bring about a certain effect takes place in two ways: in one way according to the method proper to the principal agent; in the other way according to the method proper to an instrument. According to the first way therefore God alone operates the interior effect of a sacrament, first because God alone flows into

¹ St. Ambros. *De Spiritu Sancto*, lib. iii. cap. 18, *P.L.* xvi. 808, 809. "Isti [*sc.* homines] rogant, divinitas donat; humanum enim obsequium, sed munificentia supernae est potestatis."

² St. Epiphanius (*Panarium*, Haer. lxxv. cap. iv., *P.G.* xlii. 508) compares Ordination to the begetting of children. In both cases God intervenes in a special way, but He makes His intervention dependent in some sense on the voluntary acts of human beings.

the soul, in which the sacrament takes effect ; . . . secondly because grace, which is the inward effect of the sacrament, comes from God only. . . . But according to the second way man can operate to produce the inward effect of the sacrament, in so far as he operates as the minister of the sacrament (*per modum ministri*). For a minister and an instrument belong to the same category (*Nam eadem ratio est ministri et instrumenti*).¹

Bishop Stubbs, a master of mediaeval lore, in the second of his Oxford Visitation Charges, a charge which was delivered in April and May 1893, said : " Up to the period of the Reformation there was no other idea of episcopacy except that of transmission of Apostolic commission."² Since the Reformation Archbishop Cranmer,³ Bishop Pearson,⁴ and Bishop Beveridge,⁵ and doubtless others, use the noun " transmission," or the verb " to transmit," when speaking of the derivation of episcopal power by uninterrupted succession from the Apostles. Bishop Horne of Norwich,⁶ Bishop Reginald Heber of Calcutta,⁷ and Bishop Jebb of Limerick⁸ use the parallel words " derivation " and " derive." All these lived and died before the Tractarian movement began. Similarly, not to mention old-fashioned Roman Catholic writers such as Dom Chardon,⁹ the word " transmission " occurs continually in the works of contemporary writers

¹ St. Thomas Aquinas (*Summ. Theol.* III. lxiv. i.).

² Stubbs, *Visitation Charges*, p. 191 ; compare Bp. Gore, *Orders and Unity*, edit. 1909, pp. 75, 76.

³ Cf. Cranmer, *Catechism*, edit. Burton, 1829, p. 196, and in the same volume with a fresh pagination Jonas Justus' Latin Catechism, p. 167. Cranmer's Catechism is practically a translation of Jonas Justus'. Where the latter uses " transmissum," Cranmer uses " derived."

⁴ Cf. Pearson, *Determinat. Theol.* i., in *Minor Theological Works*, edit. Churton, vol. i. pp. 283, 284.

⁵ Cf. Beveridge, Sermon on " Christ's Presence with His Ministers," quoted above, on p. 17.

⁶ Cf. Bishop Horne's *Charge at the Primary Visitation of his Diocese*, quoted in *Tracts for the Times*, No. 74, p. 47.

⁷ Cf. Heber's *Sermons in England*, No. 12, quoted in *Tracts for the Times*, No. 74, p. 53.

⁸ Cf. Jebb's *Pastoral Instructions*, Discourse i., quoted in *Tracts for the Times*, No. 74, p. 54.

⁹ Cf. Dom Chardon, *Histoire des Sacrements*, edit. 1745, tome v. p. 358.

of the Latin communion, such as Batiffol,¹ Saltet,² Michiels,³ etc.

From what has been said, it will have been gathered that I cannot think that "the idea of transmission is an additional and late conception"⁴; nor can I think that that idea, as understood by the Fathers and divines who used it, is in any sort of way a mechanical idea, unless all sacraments are mechanical. Nor do I think that the grace of Orders "depends upon the authority of the Church"; but rather on a ministerially transmitted power, derived by uninterrupted succession from the Apostles, who received it from our Lord. Where that can be shown to exist, the Church is bound to recognize it, though for sufficient cause she may suspend the ordained person from exercising the order which he has received.

Here I perceive that, though there is much more which ought to be said, I must bring this article to an end. My remaining words shall therefore be few. I have never seen any proof, which carried conviction, that the Church has at any time recognized the validity of Orders conferred by presbyters. I am well aware of certain attempts to prove that this recognition has been granted in a very few exceptional cases, but on examination the proofs appear to break down.⁵ I believe with the disciples of St. Peter and St. Paul, that is to say, the Roman Church in the first century, that God has revealed His will in this matter; and I believe that the Church has

¹ Cf. Batiffol, *Église Naissante*, 5me édit., 1911, p. 224, n. 2.

² Cf. Saltet, *Réordinations*, pp. 7, 118, 125, 151, 152.

³ Cf. Michiels, *L'Origine de l'Épiscopat*, pp. 91, 386, 387.

⁴ Headlam, article on "Apostolic Succession," col. 16 (*Prayer-Book Dictionary*, p. 42).

⁵ As I cannot deal with this and other kindred matters in this article, I would refer readers of it to Bishop Gore's *Ministry of the Christian Church*, edit. 1889, pp. 137-144, 357-363, 370-383, and to his contribution to the *Journal of Theological Studies*, iii. 278-282. I would refer them also to Dr. Turner's article on the "Organization of the Church" (*Cambridge Medieval History*, i. 160, 161) and to Dr. Hamilton, *The People of God*, ii. 159-161, and 232-235. On the question whether those Prophets, who were neither Bishops nor presbyters, ever celebrated the Holy Eucharist, see Hamilton, *op. cit.* ii. 220-232.

faithfully adhered in her practice to that revelation of the Divine will. Of course I do not dream of judging those who are without ; nor do I dream of putting any limits to God's mercy, or to His power of making His grace overflow the normal channels which His wisdom has created. He, the sovereign Master and loving Father, can do what He will with His own ; but His Church has no such power. It is for her to obey in all humility, as in this matter at any rate she has hitherto obeyed. It would indeed be an awful punishment for our sins, if, after preserving the sacred succession amid the confusions of the Reformation, and under the tyranny of the Commonwealth, and during the dead times of the eighteenth century, the Church of England were now in days of revived hope and vigour to despise her birthright, and from a desire to promote an external reunion, for which neither we nor our separated brethren are at present ready, should offer to recognize the validity of ministries created, not by Christ the King but by uncommissioned men.

Bishop Pearson in his day said with great truth :

“ If we once admit a diversity in our ordinations, we have lost the honour of succession, we have cast away our weapons of defence, we have betrayed our own cause, and laid ourselves open to the common enemy of all protestants, and we shall at last inevitably fall into the Socinian doctrine, to deny all necessity or use of any mission or ordination.”¹

Bishop Gore, speaking on September 28, 1910, at the Cambridge Church Congress, said :

“ I should like to begin by laying down something which appears to me to be absolutely certain as regards the unity of our Communion, and for which I should ask for the assent of persons who might wish it otherwise, quite as much as of those who believe it to be right. The proposition I would make is this—that the Anglican Communion would be rent in twain on

¹ Pearson, “ Letter against Promiscuous Ordinations,” in *Minor Theological Works*, edit. Churton, 1844, ii. 233.

the day on which any non-episcopally ordained minister was formally allowed, within our Communion, to celebrate the Eucharist ; and any Colonial Church of our Communion which recognized in this way the validity of non-episcopal orders would either be disowned by other parts of the Anglican Communion, or, if that were not the case, would cause what I have just described as the division of our Communion at home.”¹

Dr. Sanday, writing about this pronouncement made by Bishop Gore, said six months later : “ I cannot help recognizing the courage and resolute facing of facts which prompted the utterance ; neither can I refuse to endorse the Bishop’s belief that as a statement of fact what he said is strictly and literally true.”²

Dr. J. H. Moulton, to whom we all owe so much for the help which he gives us in the interpretation of the New Testament, writing as a Methodist in an article on “ Methodism in Catholic Unity,” has just now said :

“ Perhaps I ought to add in all candour that our friends in the Church of England who are eager for Home Reunion must not waste their energy in these days on schemes of outward union. Such appeals will produce absolutely no response on our side. We do not want the Church of England to spoil its own Church machinery in order to accommodate some features of ours.”³

That seems to me to be very wise counsel.

¹ *Report of the Cambridge Church Congress, 1910, p. 115.*

² *The Contemporary Review* for April 1911, p. 405.

³ *The Constructive Quarterly* for June 1913, vol. i. p. 395.

PART II

TWO LETTERS, WRITTEN TO PROVE THAT IN THE CONSECRATION OF A BISHOP THE ASSISTANT BISHOPS ARE NOT MERE WITNESSES BUT CO-CONSECRATORS

LETTER I

TO THE EDITOR OF *The Living Church*

MY attention has been called to a letter which appeared in your Easter number published on April 15, 1922. The letter is to be found on p. 792 ; and its writer signs his name F. J. Barwell-Walker.

The object of that letter is to elicit information on the question whether, in the consecration of a Bishop, the gift of the episcopate is transmitted solely by the principal or presiding consecrator, or whether it is also transmitted by each of the Bishops who take part in the laying-on of hands. That question is undoubtedly a question of considerable importance. It is important not only in its bearing on the validity of Anglican ordinations, but also in its bearing on the validity of ordinations generally, whether in the several branches of the Catholic Church, or in Christian bodies external to the Church, which have retained the episcopal succession from the Apostles.

Obviously, there can rarely be a *mathematical* certainty about the truth of any individual Bishop's claim to have been validly consecrated. The validity of any particular consecration depends on a number of facts, some of which cannot easily be verified, and others, such as the validity of the Baptism or the adequacy of the

intention of the consecrator or consecrators, do not, from the nature of the case, admit as a rule of absolute verification.

But whatever element of theoretical uncertainty there may be in regard to any particular consecration, that element is enormously diminished by the ancient rule requiring at least three Bishops to take part in every consecration. That rule is normally followed in all parts of the Church, and it is also accepted by such bodies as the Jacobites, the Copts, and the East Syrian Nestorians ; and the adoption of the rule causes the doubt to disappear altogether, when we are considering, not the validity of one particular consecration, but the valid transmission of the apostolical episcopate on a large scale in the several branches of the Church. Of course this admirable result depends upon the truth of the doctrine that all the Bishops who join in the laying-on of hands are independent channels through which the gift of the episcopate is transmitted. If the assisting Bishops are merely consenting witnesses and not co-consecrators ; if, in other words, the gift is transmitted by the presiding consecrator only, then the element of doubt, instead of being diminished, becomes serious ; because, if any one of the links in the long chain connecting the Apostles with any particular Bishop of the present day was faulty, the succession was severed, and from that time onwards the Bishops who succeeded in that broken line were in fact not real Bishops but pseudo-Bishops.

We may well believe that God guided the Church to adopt the rule, to which I have referred above, in order to safeguard the transmission of apostolical authority. There may have been other good reasons for the adoption of the rule as well as the reason on which I am laying emphasis. But the existence of one good reason does not preclude the existence of others.

I now put the question : Have we good reason to believe that the gift of the episcopate is transmitted not only by the presiding consecrator, but also by each of

the Bishops who joins with him in the laying-on of hands, or who at any rate takes part in the laying-on of hands? To me it appears clear that we have good reason to accept confidently this teaching as setting forth the truth.

I will begin with the first of the so-called Apostolical Canons, which, as a collection, date from about the year 400, and I will quote it from the Latin version of Dionysius Exiguus, the current version of the West: "Episcopus a duobus aut tribus Episcopis ordinetur" (χειροτονείσθω). Similarly Pope Innocent I, who sat from 402 to 417, says (*Epist.* ii.): "Nec unus Episcopus ordinare praesumat Episcopum." In both these passages it is implied that the new Bishop must be ordained or consecrated by a plurality of consecrators. In ante-Nicene times we even find a plurality of Bishops uniting to ordain a presbyter. Eusebius (*Hist. Eccl.* vi. 8) tells us that "the Bishops of Caesarea and Jerusalem [Theoctistus and Alexander] . . . considering Origen to be in the highest degree worthy of the honour, laid their hands on him and ordained him Presbyter." These testimonies will be sufficient for the earlier ages of the Church.

As illustrating the Carolingian period, I will first quote the words of St. Rembert, the second Archbishop of Hamburg and Bremen, who in his admirable biography of his immediate predecessor, St. Anschar, tells us that the Emperor Lewis the Pious "caused our lord and father, Anschar, to be solemnly consecrated Archbishop by the hands of Drogo, Bishop of Metz," "assistentibus quoque et consentientibus ac pariter consecrantibus Helingaudo et Willericis episcopis."¹ Helingaudus was Bishop of Verden, and Willericus was Bishop of Bremen. Here Drogo of Metz, the Emperor's Arch-chaplain, was the presiding consecrator; but the two other Bishops not only assisted and consented, but also consecrated. This consecration took place in the year 834.

Less than twenty years after that date, about the year 850, the Pseudo-Isidorian Forged Decretals appeared;

¹ Migne, *Patrol. Lat.* cxviii. 973, 974.

and in a letter falsely attributed to Anacletus, the immediate successor of Linus, the first Bishop of Rome, Pseudo-Anacletus (ep. ii.) says: "Blessed James, who was called 'the just,' the first Archbishop of Jerusalem, was ordained (*est ordinatus*) by the Apostles, Peter, James, and John"¹: and in another letter, falsely attributed to Anicetus, the tenth Bishop of Rome, Pseudo-Anicetus, after referring to the above-quoted forged statement attributed to Anacletus, is made to say: "For if so great a man [as St. James the Just] was ordained Bishop by three Apostles, it is assuredly clear that, by the appointment of the Lord, they handed on as an authoritative rule that a Bishop ought to be ordained by not less than three Bishops."² These statements, though spurious, are of great importance because they were accepted as authentic during the Middle Ages and even later. They asserted that the Apostles had set the example of a Bishop being ordained by a plurality of consecrators; and the second passage explicitly states that this was done by the appointment of the Lord. Thus men were led to suppose that the rule requiring a plurality of consecrators was based on the *jus divinum*.

In the later Middle Ages it was normally held by the canonists that, unless a Bishop had at least three consecrators, the consecration was invalid. This view was incorporated in one of the glosses on Gratian's *Decretum*, and we are told by the learned Spanish Jesuit, Joannes Azor, who died in 1608, that "this determination of the gloss in regard to the matter in hand was commonly approved and received by the Doctors of Canon Law."³ Of course such a view implied that the three consecrators were real channels through which the episcopate was transmitted. They were not there for the mere purpose of assenting and bearing testimony. They were, all of them, effectual consecrators. On this point the canonists

¹ *Decretales Pseudo-Isidorianae*, edit. P. Hinsch., 1863, p. 75.

² *Op. cit.* p. 120.

³ Azor, *Instit. Moral.*, edit. 1616, tom. ii. col. 315.

were entirely right and in accordance with the tradition of the Church from the beginning. But they were misled by the Forged Decretals, when they supposed that a consecration performed by one or two Bishops was invalid.

It would seem, however, that as time went on, some few canonists (Azor mentions Hostiensis and Goffredus) began to teach that one Bishop effects by himself the whole consecration, and that the other Bishops who take part are mere "*adjutores.*" Thus we reach the beginning of the controversy, some echoes of which are still sounding, at any rate in America.

But before touching on later stages of that controversy I should wish to deal with the view of the matter held in the mediaeval Church of England. In the third paragraph of the introductory rubric in the mediaeval English *Ordo* for the consecration of a Bishop, as printed by Maskell from the MS. copy of the Sarum Pontifical preserved in the library of the British Museum,¹ I find the following clause: "Dum ista examinatio dicitur vel legitur, archiepiscopus et *caeteri episcopi consecrantes* mitras debent habere in capite." Here the Assistant Bishops are described as *episcopi consecrantes*, as of course they are. The co-operation of the Assistant Bishops was not only a co-operation of assent and witness but also the much more effectual co-operation of co-consecration.

And it is to be noticed that during the first thirteen centuries of our era it was only the presiding consecrator who audibly uttered in his own name and in the name of the co-consecrating Bishops the prayer which in conjunction with the laying-on of hands effected the consecration; although no doubt the co-consecrating Bishops attended to the words uttered by the presiding consecrator and mentally made their own the petitions expressed by those words, and signified their co-consecrating intention by joining in the laying-on of hands, according to that saying of St. Augustine concerning the laying-on

¹ *Monumenta Ritualia Ecclesiae Anglicanae*, 2nd edit., 1882, vol. ii. p. 259.

of hands: "Quid est enim aliud nisi oratio super hominem?"¹

I have implied that about the year 1300 there was a change in the central part of the service for the consecration of Bishops. Some of the later schoolmen adopted a theory, which was unknown to the tradition of the Church before their time, namely that the form of Ordination must be expressed in the imperative mood; and under their influence many Bishops on the continent of Europe inserted into the office for the Consecration of Bishops the short formula, "*Accipe Spiritum Sanctum*," to which words they attributed the whole consecratory virtue, so far as the form was concerned; and the rubric directed the consecrating Bishops to utter these three words with the presiding consecrator in a low but audible voice.² There seems to be no reason to suppose that that change was introduced into England. There the ancient method of consecrating, so far as the point in question is concerned, continued to be in use, and still remains in use.

There is a great deal more that might be said on this matter, illustrating and confirming what has been laid down; but I fear to make this letter too long for insertion in *The Living Church*, if indeed I have not already trespassed too much on your hospitality.

But I beg you to be patient with me, and allow me to deal with two ideas which seem to be firmly fixed in the mind of your correspondent, Mr. Barwell-Walker. He seems to think that it is the doctrine of the Roman Church that the Assistant Bishops are merely witnesses, and that therefore from the Roman point of view these Assistant Bishops in no way help to preserve the succession.

That may be the view of some less-instructed Roman divines. It certainly is not the view of the more learned scholars of that communion.

I will quote two Roman authorities of the highest reputation for exact learning. The two, to which I refer,

¹ *De Baptismo contra Donatistas*, lib. iii. cap. xvi. n. 21: P.L. xliiii. col. 149.

² See Morinus, *de Sacris Ordinationibus*, edit. 1625, pars III. exercit. ii. cap. ii. pp. 15, 16.

are Dom Martène, O.S.B., than whom it would be difficult to name a higher authority in connexion with liturgical matters: and Cardinal Gasparri, the cardinal Secretary of State under the late Pope, and also under the present Pope; and, more than that, the canonist chosen out of all the canonists of the Roman communion to reduce to order the Babylonian confusion of the Roman canon-law, with the result that, after thirteen years of heroic labour, he was able to present to Benedict XV for promulgation that triumph of lucidity and completeness, the *Codex Juris Canonici*, published in 1917.

Dom Martène in his *De Antiquis Ritibus*¹ says: "The question may be asked whether all the Bishops, who are present, are co-operators in the consecration, or only witnesses of it." To that question he gives the following answer: "Verum non tantum testes, sed etiam co-operatores esse citra omnem dubitationis aleam asserendum est":—"But the assertion must be made unhesitatingly that they [*i.e.* all the Bishops] are not only witnesses, but also co-operators." And then he goes on to show that the Assistant Bishops actually consecrate.²

Similarly Cardinal Gasparri, in his *Tractatus Canonicus de Sacra Ordinatione*,³ says: "Si omissa fuit impositio manuum solius episcopi consecrantis, vel assistentes fuerunt sacerdotes, et tunc tota consecratio repetenda est absolute; vel assistentes fuerunt episcopi, et tunc putamus consecrationem non esse repetendam." In other words, his Eminence holds that, if the imposition of hands is omitted by the presiding consecrator only, and is not omitted by the assistants, one or other of two cases must arise out of the situation, and these cases must be separately considered. If the assistants should be mere priests, as on some very rare occasions has happened, then the whole consecration must be unconditionally repeated from the beginning. But if the assistants

¹ Lib. i. cap. viii. art. x. sec. xvi. (edit. 1736, tom. ii. col. 78).

² For a full discussion of the meaning of this statement of Martène's, see below, on pp. 83, 84.

³ Cap. v. sec. ii. art. ii. sec. 3 (edit. 1894, vol. ii. pp. 279, 280).

should be, as is normally the case, Bishops, then in the opinion of the Cardinal the consecration is by no means to be repeated.

It is obvious that the Cardinal's conclusion in the second of the two cases is based on the belief, which has all antiquity to back it, that the Assistant Bishops supply by their laying-on of hands what was defective in the ministration of the presiding consecrator. They can of course only do this, if they are independent channels, through which the gift of the episcopate is transmitted.

F. W. PULLER, S.S.J.E.

Cowley St. John, Oxford.
April 26, 1922.

LETTER II

TO THE EDITOR OF *The Living Church*

If you will allow me, I should like to make some further remarks on the subject of the transmission of the ministerial commission in the Catholic Church. My wish to do so has been stirred up by Mr. G. H. Warwick's letter on the same subject, which appeared in your issue of July 15, 1922.

As I explained in my letter, published in your issue of June 3, I did not write that letter to defend the validity of *Anglican* orders especially. I wrote to defend the validity of the orders of every branch of the Catholic Church.

I wished to point out the danger of the theory which has been held by some Roman Catholic theologians, namely, that the transmission of the Episcopate is carried out solely by the presiding consecrator; so that, if in the long line which connects any Bishop of the present day with the Apostles, any link in the chain was defective on account of the absence of something necessary for the validity of the episcopal status, or some omission in the consecrating actions of the presiding consecrator, all the subsequent consecrations in that line would be invalidated.

I am not aware that this particular danger applies to us Anglicans in any greater degree than it does to Romanists and to the Eastern Orthodox.

Of course Roman writers attack the validity of our ordinations from all sorts of points of view. They shift about from one point of view to another, because their attacks are very weak, and our theologians with no great difficulty refute them. But, so far as I know, when they fix their attention on any one consecration, and try to prove its invalidity by an effort to show that the presiding consecrator was not a consecrated Bishop, they invariably select for their attack the consecration of Archbishop Parker by Bishop Barlow, assisted by three other co-consecrating Bishops. But it happens that, in that particular case, all the four consecrating Bishops not only laid their hands on the Archbishop-elect, but also recited over him the consecrating words: "Take the Holy Ghost, and remember that thou stir up the grace of God that is in thee by imposition of hands," etc., quoting St. Paul's words to St. Timothy in reference to Timothy's consecration to the episcopate by St. Paul himself. This form, containing as it does a reference to the episcopal office, is a much fuller and more satisfactory form than the bare "*Accipe Spiritum Sanctum*," which, according to the *communis sententia* of the Roman theologians of the last few centuries, constitutes according to the Roman rite the "Form" for the transmission of the episcopate: and therefore, even if *per improbabile et impossibile* Bishop Barlow had never been consecrated, Archbishop Parker would nevertheless have been validly consecrated by the three co-consecrators.

It follows that, in writing the letter of mine which you published on June 3, Archbishop Parker's consecration was not in my mind.

Still, the danger involved in the theory of those Roman theologians, to whom I have referred, would affect our ordinations, if it were true, but, as I have said, it would also equally affect the Roman ordinations and

the Eastern ordinations. It is desirable therefore that its futility should be exposed.

But before dealing directly with that matter, I should wish to call attention to the remarkable way in which Mr. Warwick deals with Cardinal Gasparri's expert opinion. We shall, I think, learn some things helpful in dealing with the main subject of this letter, if we spend a short time on this side issue.

The Cardinal holds that, if the presiding consecrator omits to lay his hands on the Bishop-elect, but the Assistant Bishops do lay their hands on him, the consecration is by no means to be repeated (*tunc putamus consecrationem non esse repetendam*). Mr. Warwick admits that in such a case the validity of the consecration "seems probable"; "but," he adds, "in practice it would not be acted upon. In the administration of the Sacraments, all theologians agree, 'the safer part must always be followed'; therefore the ceremony, in such an event as is supposed, *would always be repeated conditionally.*" It is really comic to notice the audacity of an Anglican layman undertaking to correct a Roman canonist of such outstanding eminence as Cardinal Gasparri in regard to a consecration carried out under the rules laid down in the Roman Pontifical, and under the principles of the Roman canon law applicable to such a case. The Cardinal thinks that in the case supposed "*the consecration is not to be repeated,*" a dictum which, of course, implies that the consecration is *certainly* valid. Mr. Warwick corrects him, and informs him that the consecration is only *probably* valid, and that in practice such a consecration "*would always be repeated conditionally.*" The readers of *The Living Church* have now before them two opinions on an important problem which requires for its solution a competent knowledge of the canon law of the Latin Church. For one of these opinions His Eminence, the compiler of the world-famous *Codex Juris Canonici*, is responsible; for the other the responsibility rests on Mr. Warwick. It is for your readers to determine which

of the two opinions has behind it the heaviest weight of authority.

I pass on to consider another instance of Mr. Warwick's treatment of Cardinal Gasparri. He says that the Cardinal "holds the more mediaeval opinion." The context shows that he means that the Cardinal holds the view that the words, "*Accipe Spiritum Sanctum*," is the essential "Form" of the Sacrament of episcopal consecration, a view introduced by the schoolmen about the year 1300. This is a very misleading representation of the Cardinal's belief and teaching. In paragraph 1109 of his *Tractatus Canonicus de Sacra Ordinatione* (edit. 1894, tom. ii. p. 278) the Cardinal, speaking of the Roman rite, expresses his belief that the consecration of a Bishop is valid, if the laying-on of hands takes place together with the ancient preface-like prayer which follows the prayer "*Propitiare, Domine*," even if the words "*Accipe Spiritum Sanctum*," which occur a little earlier in the service, should be entirely omitted. He has given his reasons for that belief in his paragraph 988 (p. 204). But the Cardinal goes on to say in paragraph 1109 that he also holds that the consecration of a Bishop is valid if the laying-on of hands takes place together with the recitation of the words "*Accipe Spiritum Sanctum*," even if the ancient preface-like prayer, to which I have referred, is omitted. He admits the validity in this last alternative very largely in deference to the overwhelming opinion in its favour to be found among Roman theologians. He says concerning it: "*Admittimus CUM COMMUNI SENTENTIA esse validam.*" He has given other reasons for that belief in paragraph 990 (p. 205) of his treatise.

The Cardinal in fact holds that in the service set forth in the Roman Pontifical under the title "*De Consecratione Electi in Episcopum*" two valid "Forms" are contained, each of them without the other adequate to effect a valid consecration; but of course to be, both of them, normally used, because both are directed to be used in the prescribed order of service.

The reader will perceive that Mr. Warwick has completely misrepresented the Cardinal's standpoint in regard to this matter.

I now revert to the subject of this letter, namely, to the dangerous theory held by most Roman controversial theologians, at any rate here in England, that the Assistant Bishops are not co-consecrators and joint ministers of the Sacrament of episcopal consecration; but are merely there to give their consent to, and to become authoritative eye-witnesses of, the important event which is taking place. And, as the persons that I have in view are Roman theologians, I will begin by considering what is the present belief and practice of the Roman Church on this matter.

Some twelve years ago there was a correspondence in the *Tablet* (a Roman Catholic weekly newspaper published in London) on the subject of the Assistant Bishops at episcopal consecrations. Various letters appeared, none of which seemed very convincing one way or the other; I am writing from memory, for I have not got the *Tablets* for 1910 at hand. But at last a letter appeared, which contained first-hand information, and I took care to keep a copy of the most important part of it. It was written by the Rev. G. B. Tatum, a Roman Catholic clergyman, with whom I have no acquaintance, but whose letters I occasionally read, as he is a not infrequent correspondent of the *Tablet*. In the course of his letter, which appeared in the *Tablet* for June 18, 1910, on p. 975, he wrote as follows:

“Not many months ago I wrote to consult Mgr. Stagni, O.S.M., who, having been called to Rome by Leo XIII to lecture on philosophy, had lately been made Archbishop of Aquila by Pius X, on this point. In his answer to me he said: ‘From my own consecration and many others at which I have been present, I remember that from the beginning to the end of the consecration service the Assistant Bishops say everything, at least *submissa voce* with the consecrator. Among others I have consulted Mgr. Carinci, one of the Papal masters of ceremonies, who is also

Professor of Liturgy at Propaganda. He said : "The assistants must do and say everything that appertains to the essence of the consecration, *and must have the intention of consecrating* : hence they are ministers." "

It would be difficult, in such a matter as the one which I am discussing, to find a witness as to the practice of the Roman Church more likely to be well-informed than Mgr. Carinci. When he gave the information here reported, he was a Prelate of the Curia, a Papal master of ceremonies, the Professor of Liturgy at Propaganda, and he lived at Rome, where, unless I am mistaken, during most parts of the year an episcopal consecration is an event, on the average, of weekly occurrence : and we learn from him that at Rome, under the eye of the Pope, all the Assistant Bishops at episcopal consecrations are under an obligation to have the intention of consecrating, and are therefore joint-ministers of the Sacrament along with the presiding consecrator. Considering the centralized condition of the Roman communion, and considering that in that communion the Pope has reserved to himself not only the appointment, but also the consecration, of all the Bishops of the Latin Church (*cf. Cod. Jur. Can., 953*), so that under pain of suspension *ipso jure* no Latin Bishop can officiate either as a presiding consecrator or as a co-consecrator, unless a mandate authorizing the consecration has been received from the Pope, it is to be presumed that what is practised and taught at Rome on this point, is taught and practised everywhere within the papal fold.

The assertion, therefore, that is continually made by Roman controversialists in England that the Assistant Bishops are not regarded in the Roman Communion as co-consecrators is, as far as I can see, absolutely false, though I do not accuse anyone of intentional falsehood in regard to this matter.

But this point having been settled, a very interesting question arises : Why, under existing circumstances, is it considered to be of such importance to secure at every

episcopal consecration a plurality of consecrators : three at least ? The Bishop who is to preside is bound to take to his assistance (*adhibere*) two other Bishops in communion with the Pope as co-consecrators with himself (*cf. Cod. Jur. Can., 954*). He can apparently choose them at his own will and pleasure. Such an arrangement does not seem to provide much additional safeguard against clandestine, or schismatic, or unsuitable consecrations. For those who wish to remain in the Roman communion sufficient safeguards are already provided by the necessity of a mandate from the Pope, apart from which everyone concerned is *ipso jure* suspended. Moreover, if there be any additional safeguard in requiring two assisting Bishops to be present as witnesses, what further safeguard is involved in the requirement that they should become co-consecrators ? To me it seems that the requirement of three consecrators is evidently made in order to provide a barrier of tremendous strength against the danger of invalid consecrations.

It must be remembered that in all parts of the Catholic Church the validity of consecrations in the twentieth century absolutely depends on the validity of consecrations during all the preceding centuries back to the Apostles. Even the Pope does not claim to have authority to start a perfectly new ministry, originating with himself. That would indeed be to usurp the crown rights of the Lord Jesus. Now, Mr. Warwick says that " validity " is " invariably assumed." But a person who can assume that every presiding consecrator, say in the tenth century, had been validly baptized, or had an adequate intention, or even knew, the prescribed form of consecration, must either know very little of the history of the tenth century, or must be a man of reckless lack of reflection. And what has been said in regard to the tenth century might be said of some other centuries also.

Let us spend a few moments in the consideration of this point. The level of culture in the East during the sixth century was very much higher than the level of

culture in the West during the tenth century ; yet, in the sixth century Justinian, in the Preface to his 137th Novel, says that he has received complaints against certain (Eastern) Bishops " who did not even know the prayer of the Holy Oblation or of Holy Baptism " ; and in consequence he decreed in the second chapter of that Novel that, before a Bishop is consecrated, he shall recite in the hearing of his principal consecrators " the sacred Oblation which is made at the Holy Communion, and the prayer at Holy Baptism, and the other prayers." Now, if in the relatively enlightened sixth century Eastern Bishops were to be found, who had not the requisite knowledge for celebrating properly the Holy Eucharist or for administering properly Holy Baptism, rites which were in very frequent use, is it likely that in the darkness of the tenth century there would not be found a larger number of Western Bishops, who would be wholly incompetent to ensure validity, when attempting to carry out the much less frequently used service for the consecration of a Bishop ?

But the greatest peril of all would arise from uncertainty as to whether any particular Bishop had been validly baptized. Normally a Bishop would have been baptized in his infancy by the parish priest of the place where he was born, and if *Bishops* were sometimes found, who were so ignorant as to make it very uncertain whether they would know how to baptize properly, we may be sure that a much larger proportion of *priests* would be still more ignorant as to the essentials of a valid Baptism. But to have received a valid Baptism is a necessary pre-requisite for receiving validly episcopal consecration. I deduce from these considerations the conclusion that anyone, who holds, and does what he can to spread, the opinion that the validity of any particular episcopal consecration finally depends on the episcopal status of the presiding consecrator and the adequacy of his fulfilment of his share in the ceremony, is imperiling, so far as his influence reaches, belief in the reality

of the transmission of the Apostolic ministry throughout Catholic Christendom.

Mr. W. E. Gladstone once illustrated mathematically the wisdom which the Church has shown in requiring that at least three real consecrators should normally take part in every episcopal consecration. In order to be perfectly fair, he suggests a situation so extreme, that it is difficult to suppose that it ever actually existed; but, anyhow, he takes the case of one Bishop in twenty being either unbaptized, or, in consequence of mistakes in the ceremony, invalidly consecrated, and he shows how quickly the lesion in the general succession would be healed. The probability would be 8000 to one against there being an invalidating flaw in the status of all the three Bishops who should join in consecrating a new Bishop: and the probability against this Bishop being chosen along with two other Bishops, as coadjutors, in the same condition as himself, to hand on the succession to the next generation, would be 512,000,000,000 to unity.¹

But to all this Mr. Warwick will perhaps answer: "Your argument may stand good for those Christian bodies, in which the Assistant Bishops, as well as the presiding Bishop, take part in the recitation of the Form as well as in the laying-on of hands; but among Anglicans the Form is recited by the presiding Bishop only, the Assistant Bishops joining in the laying-on of hands silently."

To that line of reasoning I reply: "Your objection rests entirely on the theory that in the administration of a sacrament no one is an effective minister, unless he both recites the Form and also applies the Matter. But where is the proof that that theory rests on the basis of Divine revelation, or forms part of the Faith once for all delivered to the Saints?"

The custom which we follow was not invented by us in the sixteenth century; it has been followed by the

¹ See Mr. Gladstone's *Church Principles considered in their Results*, edit. 1840, pp. 235, 236.

Church of England ever since she was founded by St. Augustine at the end of the sixth century; and long before his time it was in use both in the East and in the West. In the Eastern Church there has never been any other use. It is found in the Apostolical Constitutions. It is found in all the Eastern ordination services, which the Oratorian, Morinus, has brought to our knowledge by giving them at full length in the second part of his epoch-making book *De Sacris Ecclesiae Ordinationibus*.

Similarly in the West it is found in the earliest ordination service that has come down to us, namely the service arranged in its present form in the early part of the third century, and contained in what used to be called "The Egyptian Church Order," but which is now recognized to be the long lost work of St. Hippolytus, entitled "The Apostolic Tradition." Here I may be allowed to say that the whole Church ought to rejoice in this remarkable discovery, due pre-eminently to the convincing proofs brought forward by the learned Benedictine, Dom R. H. Connolly, in his treatise on the subject, which Dr. Armitage Robinson, the Dean of Wells, has published among the Cambridge "Texts and Studies."

It is found also in the *Statuta Ecclesiae Antiqua*, a code of Canons drawn up, as the Abbé Malnory, Mgr. Duchesne, and Dom Leclercq believe, by St. Caesarius, Metropolitan of Arles (A.D. 502-542), in the very beginning of his episcopate. These Canons were influential in many parts of the West, and very specially those of them which deal with ordinations.

The same custom is found in Gaul, Spain, and England, and I have no doubt, also in North Italy, though in regard to this last I have not got the proofs at hand. In Central and Southern Italy all the Bishops were consecrated at Rome by the Pope, who had no Assistant Bishops joining with him in the laying-on of hands, so that he consecrated in the strictest sense alone. This custom of his was quite exceptional in the West. Duchesne, however, thinks that it is probable that in

Egypt the Pope of Alexandria enjoyed the same exceptional privilege. In later times the Roman Pope very wisely gave up this peculiar and dangerous custom of his predecessors ; and he is now assisted at consecrations by two Bishops who join with him in the laying-on of hands.

But during the first twelve or thirteen centuries the Assistant Bishops were always regarded as sharing with the presiding Bishop the function of being ministers of the Sacrament of episcopal consecration. In those times it was always ideally, and often actually, the whole episcopal College of the Province, which, as a college, corporately consecrated the Bishop-elect, and acted corporately as the one minister of the Sacrament. Before the evolution of Metropolitans to preside over the several provincial episcopal colleges, the College, when it met to constitute a new Bishop, deputed one of its members, often the one who was senior by consecration, to preside. He, on their behalf and in their name, offered what is called the consecration-prayer, and during its recitation, the whole College, including the president, laid their hands on the Bishop-elect. After Metropolitans had come into existence by the action of their respective colleges, the Metropolitan, if present, presided as of right. If he was not present he appointed one of his comprovincials to represent him. But in other respects the consecration took place as before. When for any reason the whole of the College could not attend personally, those who could not come sent their written expressions of consent or dissent ; and those who could come, three being the minimum number (*tres faciunt collegium*), were empowered to act on behalf of the whole College. If there was a division of opinion, reckoning the votes of present and absent members, the opinion of the majority was regarded as the opinion of the College.

It is impossible for me, in a letter like this, to support each of these statements by authoritative quotations. But I will bring forward three or four passages in support of some of the more important points, reserving the most

important point of all for separate treatment just before I bring my letter to a close.

I will begin by quoting a few lines from a weighty article entitled "Concélébration Liturgique," which is to be found in the admirable *Dictionnaire d'Archéologie Chrétienne et de Liturgie*, edited by the learned Benedictines, Dom Cabrol and Dom Leclercq (tome iii. coll. 2470-2488). The article deals with the practice of con-celebration in connexion with various liturgical rites, such as the Holy Eucharist, the Benediction of the Holy Oils, the Consecration of Bishops, etc. In connexion with the last-mentioned rite the following statement is made on col. 2483 :

" Il est depuis longtemps de règle en Orient aussi bien qu'en Occident que deux évêques au moins assistent le prélat consécrateur et participent avec lui à la transmission de la grace épiscopale. Ils représentent les évêques comprovinciaux de l'élu, dont les anciens canons réclamaient l'assentiment pour que l'on pût procéder à la consécration. . . . Tous procédaient à l'imposition des mains, mais un seul choisi par eux—plus tard ce fut l'office du métropolitain —prononçait la formule de consécration."

One or two words in this statement smack of unprimitive scholastic terminology ; but that fact makes it all the more to the credit of the statement that it brings out clearly the very important point that, in the ancient days, to which this passage refers, when Assistant Bishops took part silently in the laying-on of hands, they nevertheless " shared with the president (whom they had chosen) in the transmission of the grace of the episcopate." Cardinal Gasparri's words referring to modern consecrations in the Roman communion, at which the Assistant Bishops recite the formula along with the president, were also true in the earlier days when the president alone recited the central prayer. Gasparri says (*op. cit.*, n. 1088 ; tom. ii. p. 265) : " Conjunctim omnes sunt unica causa, seu unicus totalis minister consecrationis " : " All acting jointly are the one cause," or in other words, " the one complete minister of the consecration."

In my letter published by you on June 3, I gave a number of positive proofs that in the early times, before the age of the schoolmen, all the Bishops who joined in the laying-on of hands, were regarded as effective consecrators. I quoted, among others, the first of the Apostolical Canons: "Let a Bishop be ordained by two or three Bishops." Here all the Bishops are regarded as ordainers. Even Mr. Warwick will hardly venture to suggest such a paraphrase as the following: "One of the three ordains; the other two do not ordain, but only impose their hands inefficaciously: for the word, χειροτονείσθω, is used strictly in regard to one ordainer, but loosely in regard to the other ordainers." If he does commit himself to such a paraphrase, he must prove its soundness up to the hilt. So improbable a gloss cannot be accepted on his *ipse dixit*.

But here is another passage of much later date. Pseudo-Isidore concocted the Forged Decretals in the middle of the ninth century. The best scholars agree that he wrote in or near Le Mans in the province of Tours. In the forged decretal attributed to Pope Anicetus, the supposed writer lays down that, when an Archbishop is to be consecrated, all the Bishops of the Province are to assemble in the Metropolitan city, that a new Archbishop "may be *by all* elected *and ordained* (*ut AB OMNIBUS ipse eligatur et ORDINETUR*)." Pseudo-Anicetus then goes on to describe how any one of the suffragan sees is to be filled, when it becomes vacant. He says that, if necessity compels, it is sufficient that, when all the Bishops have given their consent, the Bishop-elect should be consecrated, under a mandate from the Archbishop, by three of the Bishops. "But," he adds, "the better plan is that the Archbishop with all his suffragans should elect the man who seems fittest, and that all should *equally* consecrate him to be a Bishop" (*et cuncti pariter sacraverint pontificem*). I have translated the word "*pariter*" by the English word "equally," because that is its primary meaning: but if anyone

prefers to substitute "likewise" for "equally," I shall not object, because that is a possible rendering. Either way there is not the slightest suggestion that the Archbishop is to be the sole consecrator.

A great number of similar passages might be quoted if it were worth while.

If Mr. Warwick wants to establish his position, let him produce evidence from writers belonging to the first eleven centuries, denying that the Assistant Bishops really consecrate. It is, I think, universally recognized that, when he has not got an axe to grind, Pseudo-Isidore is a very good authority for the prevailing ideas and practice of the ninth century. His forgery would easily have been detected, if, while safeguarding the particular points in connexion with which he desired to provide seemingly primitive evidence of the most authoritative kind in favour of his own views, he had not made the greater part of his work a faithful transcript of Church life and belief, as he and his contemporaries knew it.

I do not hesitate to say that the change of view in regard to the function of the Assistant Bishops was brought about as one result of the Scholastic movement. That movement, no doubt, effected much that is praiseworthy; but the schoolmen were continually starting new theories, and giving answers to subtle questions, based not on Holy Scripture or tradition but on *a priori* notions as to what in their opinion seemed congruous or abstractedly desirable. In regard to matters connected with the Sacraments especially, their speculations gave rise to much uncertainty and confusion. For example, they asserted that the "Forms" in Ordination must be in the imperative mood. Some went so far as to say that, if anyone denied this dictum, he became guilty of formal heresy. Many of them laid it down that the porrection of the instruments was the sole essential matter of ordination to the priesthood; on this point even a Pope was carried away by their ignorant dogmatizing; although, if the theory were true it would invalidate all the ordinations to

the priesthood in the East up to the present time, and in the West during the first nine centuries. Others declared that of one Sacrament there can be only one minister. Of course, if that were true, the *thesis* which I am defending would be proved to be false. But this scholastic assertion has no basis in the tradition of the Church. It certainly is not accepted at Rome, as I have already demonstrated in this letter. When we are dealing with such a *causa gravissima*, such a very weighty matter, as the transmission of Christ's ministerial commission from the Apostles, who first received it, to all the succeeding generations, we must hold that nothing can be essential to validity beyond what has been practised from the beginning.

There can be no serious objection to the recitation of the "Form" by all the Assistant Bishops who take part in the imposition of hands, but it cannot be a necessary condition of their being effective consecrators: because during more than a thousand years they carried out their share in the laying-on of hands *silently*, and were nevertheless held to be true consecrators.

One may close this part of the subject by putting a question to the adverse party: By what decree of the universal Church have the ancient Councils and Bishops of the Church, who held this view, been branded as teachers of error?

But the further question may be asked, what would have happened under the conditions which prevailed everywhere for twelve or thirteen centuries in the West, and in the Anglican Communion prevail to this day, if the presiding Bishop, who recited what was commonly regarded as the consecratory prayer, should for some reason or other be no Bishop at all? Of course it must be assumed that the fact of his not being really a Bishop is unknown to the authorities of the Church, and presumably unknown to the presiding Bishop himself. It would be unthinkable that at the present time or at any other time, within the limits of the Church, a person who was

notoriously not a Bishop should preside at an episcopal consecration.

To simplify matters it will be well to consider the question as it would present itself during the first thousand years of our era. The provincial system was then universally recognized as the authentic traditional system which the Church had inherited from the earliest times. The provincial episcopate recognized itself as an organized whole, or, to use St. Cyprian's expression, a "collegium sacerdotale," an Episcopal College.

The College, either present by the presence of all its members, or represented by at least three of its members with full powers to act on behalf of the whole body, was the one minister of the consecration, although each individual member of the body remained a competent channel for the transmission of the episcopate, and, if there was any flaw in the status of the other consecrators, the gift would still be imparted through the one sound channel. In those days nobody thought about Form and Matter in connexion with ordination or any other Sacrament. Those Aristotelian words were first introduced into the theology of the Sacraments by William of Auxerre, a thirteenth-century schoolman, and gave rise to endless disputes. That wise and extremely learned Pope, Benedict XIV, strongly advises Bishops, when they are speaking in their Diocesan Synods about the several Orders of the Ministry, "to avoid altogether questions discussed in the schools, *and especially those which have to do with the Matter and Form of the three Hierarchical Orders*, lest, if they act otherwise, they should thrust themselves into those thorny thickets of difficulties, from which it is scarcely possible to get disentangled" (*ne secus in ea se conjiciat difficultatum dumeta, a quibus vix possit explicari*). Happily, during the first thousand years of the Church's history these contentious expressions, Matter and Form, had not been thought of in connexion with Holy Orders. In those days the whole of the outward part of an Ordination, the visible and audible part, was thought about and spoken about as a unity,

which was expressed by the single word "Sacramentum."¹ That word, when used in such a context, means "the sacred sign" or "the sign of a sacred thing," and in the case of an episcopal consecration it consisted of imposition of hands by the College, together with some indication of the Order which was being conferred, and a prayer for God's blessing on the person who was being consecrated. The indication of the Order need not be expressed in the prayer, as is evident by an examination of several ancient Ordination prayers, and as is frankly admitted by the well-known Canonist, Mgr. Boudinhon, who had formerly held the opposite opinion.² Of course a prayer for God's blessing on the person who is being consecrated is an obviously right accompaniment to the transmission of episcopal status and power. It would be difficult to conceive Christian Bishops meeting for such a purpose, and not offering corporately such a prayer. But it cannot be too strongly emphasized that the whole outward action is the corporate act of the consecrating body. All the Eastern Orthodox theologians that I have studied insist that a Bishop must be consecrated by a *Synod*: not merely elected by a Synod, but *consecrated* by a Synod. Any other view appears to me to be inconceivable, so bristling with difficulties would any such view be; and the difficulties would be of such a needless kind.

Let me illustrate what I mean. Suppose that an episcopal College, acting as a unity, has made it clear that it is going to consecrate a Bishop, and has corporately laid its consecrating hands on the Bishop-elect, and has deputed one of its members to offer a prayer in its name for God's blessing on the person who is being consecrated, would it be possible to believe that the whole proceeding would have to be declared invalid, if a hundred years afterwards it should turn out that the presiding consecrator, who offered the prayer, had been baptized by his nurse with an invalid form, a case which, in regard to babies in general, as I have good reason to know, has

¹ Cf. Morin. *de Sacr. Ordinatio.*, pars iii. exercit. i. cap. iii. sec. x.

² See *Revue Anglo-Romaine*, ii. 674.

often occurred in France? The Bishop who offered the prayer might very probably be an Archbishop, or might become an Archbishop, and so have to act as the presiding Bishop in any number of consecrations : so that it is appalling to think of the invalidity of all sacramental ministrations during three generations throughout a whole province, arising from a hitherto unknown mistake made by an ignorant nurse a hundred years earlier.

To me it seems inconceivably hazardous to spread abroad a theory of Ordination, which, by concentrating all the efficacious power on one man, runs such tremendous risks as I have indicated. No wonder that, the *communis sententia* at Rome being what it is, the Pope now makes all Assistant Bishops recite what are now regarded as essential parts of the service along with the presiding consecrator. But if the *communis sententia* is right, the change was made at least 1300 years too late, perhaps 1600 or more. The real remedy is to revise the *communis sententia*, as it has been revised in regard to other points. We of the Anglican Communion have no need of revision on that point : but we shall rejoice if our Roman brethren can see their way to correct the dangerous opinion which is still very prevalent among them.

The fuller consideration of the whole matter, which I have given to it since I wrote my first letter to you, has led me to doubt whether the expression "independent channels" was the best phrase to use in setting forth the functions of the several members of the consecrating body. It does indeed set forth one side of the truth ; but it might be taken to deny the other side, though that was not in any way my intention. It would, I think, be better to say that all the consecrators are jointly and severally channels for the transmission of the gift which is conveyed, as St. Paul conveyed it, by the laying on of their hands.

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The Mission House, Cowley St. John, Oxford.

August 7, 1922

P.S.—If anyone cares to look into Martène's *De Antiquis Ritibus*, lib. i. cap. viii. art. x. sec. xvi. (edit. 1735, tom. ii. coll. 78, 79), he will see that Mr. Warwick is wholly mistaken in his interpretation of that passage. Martène begins by stating the main point which, in that paragraph, he is going to prove, namely, that Assistant Bishops were not mere witnesses but real co-operators in the consecration, "for," he says, "only the Pope enjoyed the privilege of consecrating Bishops, as the sole consecrator" (*solus enim pontifex Romanus hoc gaudebat privilegio, ut solus episcopus consecraret*). He goes on to prove this last statement about the Pope's exceptional privilege by a quotation from Ferrandus; and then confirms it by another quotation from St. Isidore of Seville, which, however, also proves the main point of the whole paragraph, namely, that Assistant Bishops are real co-operators: for St. Isidore says: "*Episcopus non ab uno, sed a cunctis comprovincialibus episcopis ordinatur*," words which exactly express the universal teaching of antiquity, and sum up tersely the whole purport of this letter of mine. The rest of the quotation from Isidore, with which I am in entire agreement, is used by Martène to explain the peculiar privilege of the Pope.

At this point Martène leaves the side issue about the Pope, and concentrates on the proof of the main point of his paragraph. For this purpose he quotes a passage from a Life of Bishop Benno written by a certain abbot of Iburg, named Norbert. The thirteenth chapter of that Life contains an account of Benno's consecration to the see of Osnabrück by St. Hanno, Archbishop of Cologne, of whose province the diocese of Osnabrück formed a part. Norbert, having stated that Benno was consecrated by Hanno, goes on to say that "co-operating worthily with him in that work" (*dignis etiam in id co-operatoribus*) were Frederick, Bishop of Münster, and Egilbert, Bishop of Minden, "by their bestowal of the gift of consecration" (*Benedictionis impendentibus officium*) on Benno. Here we get an explicit statement that

the co-operation of the assistants was a co-operation of co-consecration : for a very little acquaintance with the ecclesiastical literature of that age makes us familiar with the fact that "*benedictio*" was one of the technical terms for the consecration of a Bishop. The attempt to explain away Dom Martène's evident meaning must be pronounced a failure.

F. W. P.

PART III

CARELESS BAPTISMS AND THE TRANSMISSION OF THE APOSTOLIC MINISTRY

THE answer of the Archbishops of England to the Apostolic Letter of Pope Leo XIII on English Ordinations was reprinted in the *English Church Review*¹; and I have no intention of attempting to supplement that masterly document by re-opening the discussion of any of the points with which it deals.

But there is one argument which is sometimes brought forward by rash controversialists on the Roman side, to which our Archbishops made no allusion, for the very good reason that Pope Leo had wisely refrained from making any mention of it.

I refer to the argument which is sometimes based on the supposed carelessness of some Anglican clergymen in the administration of Holy Baptism, or on the fact that some few Anglican Bishops were baptized in their early years by Presbyterians or other non-Catholics, and were not rebaptized at the time of their reception into the Church. It is assumed that they ought to have been rebaptized, on the ground that non-Catholics have often a very imperfect idea of the importance of Holy Baptism, and that, therefore, it is likely that the Sacrament is not infrequently administered by them in a careless way.

Now, it may be admitted at once that the Church has always held that an unbaptized person is incapable of being ordained. Holding office in the Church presupposes membership in the Church. It is true that two or three English theologians, who in the eighteenth century denied the validity of lay Baptism, propounded

¹ See *English Church Review*, July 1910, vol. i. pp. 289 to 291.

the theory that unbaptized persons were capable of being validly ordained; but they did so in a hesitating manner; and their theory was generally condemned as being inconsistent with the tradition of the Church, and in itself unreasonable. I doubt if any competent theologian could be found at the present day in any part of the Catholic Church who would be prepared to champion such a notion.

It must, therefore, be admitted that it is *possible* that someone, who was afterwards promoted to the Episcopate in the Church of England, and went through the ceremony of being consecrated, was not really consecrated, because, when as a child he was brought to the font, through careless administration of the Sacrament he was not really baptized. This must be admitted as a possibility, though I know of no Anglican Bishop during the last three centuries and a half, concerning whom it can be asserted with any show of probability that there is reason to think that he was not baptized validly, and therefore not consecrated validly. A great deal has been written about Archbishop Tait having never been baptized, but anyone who has ever read the minute account of his baptism written by his elder sister, who was present on the occasion, will know how groundless those reckless assertions were.

But the point which I wish now to emphasize is the inconceivable rashness of the controversialists on the Roman side, who use, as an argument against the validity of Anglican Ordinations, the undoubted fact that, at any rate in the case of persons baptized in infancy, there can never be for them a mathematical certainty of the validity of their Baptism.

If this argument can be rightly used to throw doubt on Anglican Ordinations, then assuredly it can be used with equal force against Roman Ordinations. I shall show later on in this article that it has no force either against theirs or ours; but at present I am concerned with the fact that their Ordinations and our Ordinations

stand on the same footing, so far as this baptismal argument is concerned.

For the purpose of my argument I shall assume that modern Roman theologians are right in holding that, so far as the form is concerned, Baptism "in the name of the Father, and of the Son, and of the Holy Ghost," is the only certainly valid Baptism. Thus, the Jesuit Lehmkuhl says¹: "Baptismi forma necessaria est haec: 'Ego te baptizo in nomine Patris, et Filii, et Spiritûs Sancti,' aut ut Graeci baptizant, 'Baptizatur servus Christi N. in nomine Patris, et Filii, et Spiritûs Sancti.'"² Moreover, a little lower down in the same section of the same chapter, Lehmkuhl teaches that Baptism "in the name of Christ," if those words are used in the Baptismal formula, is invalid. He says: "'I baptize thee in the name of Christ,' is an invalid form."³ This teaching of Lehmkuhl's is, so far as I have observed, the universally accepted teaching of modern Roman theologians.

The question has now to be considered whether we have reason to believe that in past ages the Latin Church has always strictly adhered to the form of Baptism which is now universally regarded as the only valid form. And it appears to me that there are several facts which point to a negative answer to this question.

In the summer of the year 796 a meeting of Bishops⁴ was held somewhere in the valley of the Danube.⁵ A number of Bishops attended, and among them was St. Paulinus, the Patriarch of Aquileia, a close friend of the Emperor Charles the Great, and along with him may be mentioned Archbishop Arno, of Salzburg.⁶ A "*dictatus*" of St. Paulinus, extracted from the acts of that meeting,

¹ *Theologia Moralis*, edit. 1893, vol. ii. pp. 47, 48.

² "This is the necessary form of Baptism: 'I baptize thee in the name of the Father, and of the Son, and of the Holy Ghost'; or, as the Greeks baptize, 'The servant of Christ, N., is baptized in the name of the Father, and of the Son, and of the Holy Ghost.'"

³ "'Ego baptizo te in nomine Christi'—est forma *invalida*" (*op. cit.* p. 49).

⁴ "Conventus Episcoporum."

⁵ "Ad ripas Danubii."

⁶ *Cf. Monum. Germ. Epist.*, vol. iv. pp. 143, 153, *et sqq.*

is extant. It has been preserved in a MS. of the tenth century (Cod. Vindobonens. 458) and is printed by Mansi ("Concilia," xiii. 921). In one part of this "*dictatus*" Paulinus sums up what was settled by the Bishops in regard to the iteration or non-iteration of Baptism.¹ They were dealing with the case of the inhabitants of the Danube valley, who apparently had been baptized by priests and other clerks who were not in communion with the Church of the Frankish kingdom. Some who had been baptized with a valid form were to be received into the bosom of Holy Church, "per solam manus impositionem." But there were others, who had been baptized by illiterate clerks, and who, when they were being dipped (*intinguerentur*) in the water, neither professed their faith in the Creed, because they did not know it, nor did the clerk who baptized them say: "I baptize thee in the name of the Father, and of the Son, and of the Holy Ghost," or "in the name of Jesus Christ," but he only washed their body with water; concerning such persons it was decided that they "are assuredly to be regarded as still unbaptized." Here it will be noticed that it is implied that if they had been baptized "in the name of Jesus Christ," their Baptism would have been recognised as valid.

Now, Paulinus of Aquileia was one of the leading theologians of that age, and one may therefore assume that it was widely held that Baptism "in the name of Jesus Christ" was valid.

This conclusion is confirmed by a rescript of Pope St. Nicholas I (A.D. 858-867) in answer to certain questions addressed to him by Bulgarian Christians. They stated that many people in Bulgaria had been baptized by a certain Jew, and it was uncertain whether this Jew was a Christian or a non-Christian (*pagano*), and

¹ Mansi (*Concilia*, vol. xiii. pp. 919, 920), in his preface to the *Dictatus* of St. Paulinus, says that, when Charles the Great began to reign, it was found that in many parts of his dominions the baptismal rite "was tainted by various abuses, and that the orthodox teachings concerning Baptism were either altogether ignored by not a few, or were corrupted by many who were unsound."

they wished to know what ought to be done about these people. The Pope replied that "if they had been baptized in the name of the most Holy Trinity, or merely in the name of Christ, as we read in the Acts of the Apostles . . . it is quite clear that they ought not be baptized again."¹ Such an answer, coming from a Pope, must have propagated far and wide the view that Baptism "in the name of Christ" was a valid and an allowable form of Baptism²; and there is nothing to show that large numbers of persons may not have been baptized with that formula; and if so, they were, according to the teaching of all modern Roman theologians, really unbaptized. Presumably some of them may have afterwards been ordained priests or deacons, or even consecrated to the Episcopate; and in that case their Ordination or Consecration must, according to the modern Roman view, be regarded as null and void.

There is a letter of St. Bernard's addressed to Henry the Archdeacon, which gives us an interesting view of what was regarded as valid Baptism in the twelfth century. St. Bernard's correspondent had written to him about the case of a new-born child who was in peril of death, and was therefore baptized by a certain layman. The layman did not keep to the usual form, but said: "I baptize thee in the name of God and of the holy and true cross." The Archdeacon asks whether the child was really baptized, or whether, if it lives, the Baptism is to be repeated. St. Bernard answers: "I think that the child has really been baptized, and that the sound of the words could not mar the effect of the true faith and the pious intention" of the baptizer.³ Now, if we

¹ S. Nicolai "Responsa ad Consulta Bulgarorum," *Ep.* xvii. 104; *P.L.* cxix. 1014.

² At the Synod of Nismes, in 1284, Bertrand, the Bishop of Nismes, promulgated the *Liber Synodalis* of the Church of Nismes, in which it is laid down that an infant is validly baptized "si baptizans dixit, 'Baptizo te in nomine Christi'" (*cf.* Mansi, *Concilia*, vol. xxiv. p. 523).

³ "Ego vero hunc baptizatum puto; nec sonum vocis veritati fidei et pietati intentionis praejudicare potuisse" (St. Bernard, *Ep.* ccciii.).

remember who St. Bernard was, we shall be able to see better what a state of things this answer reveals. Montalembert, in the first chapter of the Introduction to his fine work, "The Monks of the West," says :

"By consent of all, St. Bernard was a great man and a man of genius ; he exercised upon his age an ascendancy without parallel ; he reigned by eloquence, virtue, and courage. More than once he decided the fate of nations and of crowns—at one time even, he held in his hands the destiny of the Church. He was able to influence Europe, and to precipitate her upon the East ; he was able to combat and overcome in Abélard the precursor of modern rationalism. All the world knows and says as much. By consent of all he takes rank by the side of Ximenes, of Richelieu, and of Bossuet." ¹

Now, if this extraordinary man, who combined in such a wonderful way genius, learning, orthodoxy, and sanctity, could give the answer which he did give to Henry the Archdeacon, in a relatively learned age like the twelfth century, we can easily imagine what strange forms may have been used during the dark period of the early Middle Ages, when infants were baptized by the ignorant clerks, and by the still more ignorant lay people of that time.

But this state of things existed not only in the West, but also in the East. The Emperor Justinian,² in the Preface to his 137th Novel ("De Creatione Episcoporum"), says that he has received various interpellations against both clerks and monks, and against certain Bishops, on the ground that they do not live in accordance with the sacred canons, "that others were found, who did not even know the prayer of the Holy Oblation or of Holy Baptism." Therefore, in the second chapter of the Novel, Justinian decrees that, before a Bishop is consecrated, he shall recite in the hearing of his principal consecrator "the sacred oblation which is made at the Holy Communion, and the prayer at Holy Baptism, and the other prayers." I assume that, when such pre-

¹ *The Monks of the West*, authorized translation, 1861, vol. i. p. 2.

² Justinian reigned from 527 to 565.

cautions were taken to ensure that the Bishop-elect knew by heart these liturgical formularies, the selected passages would include those parts of the service which were essential to the validity of the rite, whether Eucharistic or Baptismal. One may easily conjecture the state of things among the inferior clergy and laity, when it was found necessary to make such rules to secure that the Bishops had an adequate knowledge of the Baptismal formula.

I now pass to another aspect of this question, and must ask my readers to transfer their thoughts from Constantinople in the sixth century to Spain in the fifteenth century. In the year 1451 Pope Nicholas V addressed an official letter to the Bishop of Osma, in Old Castile, and others, in which he delegates to the Bishop and his colleagues inquisitorial powers for the discovery and chastisement of Judaizing Christians.

During the previous century vast numbers of Jews in Spain had been coerced into the profession of Christianity. Thus in the year 1391 the total number of conversions from Judaism in Aragon was reckoned at a hundred thousand, and in Castile as certainly not less. And there is probably no great exaggeration in this computation.¹ As may be supposed, these compulsory conversions were in most cases very unreal. And so it came to pass that the Spanish Church in the fifteenth century comprised among its professing members a vast number of persons who practised Christianity outwardly, but in their hearts loathed the Faith which they pretended to hold.

Now, to go back to the Bull of Pope Nicholas V. He says in it that he has learnt from his dearest son in Christ, Juan II, King of Castile and Leon, that in his kingdoms and dominions :

“ there are many persons belonging both to the laity and to the

¹ See H. C. Lea (*History of the Inquisition in Spain*, vol. i. p. 112). Lea refers to Amador de los Rios, vol. ii. pp. 400-402, 445, 599-604; and to Zurita, *Añales de Aragon*, lib. x. cap. 47.

clergy, as well seculars as regulars, and of both sexes, who, although with their lips they profess to be Christians, yet by their works they give the lie to their profession, and have presumed, and daily do presume, to observe the ceremonies of the Jews and the Saracens, and to commit openly and secretly many things alien and contrary to the truth of the Faith itself, to the no small danger of their own souls, to the dishonour of the aforesaid Faith, and to the affording of a pernicious example and scandal to many."

The Pope then goes on to give to his delegates power to start and carry on the work of inquisitors :

"against all and singular the aforesaid persons and each of them, of whatever state, degree, order, nobility, and condition they may be, and with whatever ecclesiastical or secular dignity, *even though it be the episcopal dignity*,¹ they may be adorned ; and, if they shall be suspected in any way concerning the premises, you shall take care whenever and as often as it shall seem good to you, to inquire, proceed, and punish, correct, and chastise them by Our authority."²

How serious the matter was is shown by the fact that the Pope evidently considered that he had good reason to fear that there were *Bishops* in Spain, who were really Jews or Mohammedans at heart, and who secretly practised the rites of either the Jewish or Mohammedan religion. The power given to these inquisitors to proceed against Bishops had never been granted to inquisitors before ; and when, forty years or so later, the new Inquisition was organized under Ferdinand and Isabella, it was withheld.³

There is every reason to suppose that these Bishops, priests, and other clerks, who were really Jews by religion, hated the Christianity which they were forced to profess ; and the Sacraments which they administered must have been of very doubtful validity, because they can have

¹ " *Etiam pontificali.*"

² Pope Nicholas's Bull, or the larger part of it, is printed by Raynaldus in his continuation of Baronius's *Annals* (*sub anno* 1451, n. vi. tom. ix. p. 571, edit. Luc. 1752).

³ See H. C. Lea (*op. cit.* p. 148).

had no intention of doing what Christ instituted and what the Church does. Their position must have been very different from that of a Puritan Bishop or priest in England; because the Puritan would intend to administer what Christ instituted, though he might not know accurately all that was involved in Christ's institution. But these Spanish Jews could have no belief in Christ at all, and would have no intention of carrying out His appointment. There must therefore have been large numbers of invalid Baptisms, Confirmations, and Ordinations in Spain during the fifteenth century. Whether there were any invalid Episcopal Consecrations will be considered later.

At this stage in my argument it seems good to narrate an event which happened to myself in the year 1869, not quite two years after my Ordination to the priesthood. Happening to be in Brussels for a few days, I paid a visit to the celebrated House of the Bollandists, those learned Jesuits who, during the last three hundred years, have been compiling and publishing the several volumes of the "Acta Sanctorum." Though I had no letter of introduction, the President, Father Victor de Buck,¹ received me most kindly, and showed me the library, and allowed me to spend three hours in his company. During the greater part of the time we spoke together of matters unconnected with controversy; but during one part of our conversation he touched on the question of Anglican Ordinations. Having referred to some other aspects of the great dispute, he said that some of his friends laid great stress on the argument that Baptism was administered carelessly in England by the clergy of the Church of England, and that they drew the conclusion that the validity of our Ordinations was doubtful. "But," he continued, "that is an argument on which I should

¹ Not long after my visit, towards the end of the year 1869, Father de Buck was chosen, out of the whole order of the Jesuits, to be the Theologian of the General of the Jesuits at the Vatican Council. This one fact shows how highly his learning and judgement were rated in the Society to which he belonged.

not venture to lay any stress ; it would be too risky, for it could be so easily retorted on ourselves." Then he added : " I will give you an illustration of what I mean. A certain young lad, who was born in Europe, was taken by his parents during his childhood to America, where they settled. In due time the boy grew up to manhood and was ordained. He became a great mission preacher, and was used by God as the human instrument through whom many sinners were led to repentance. Later on in his life he paid a visit to the country of his birth, and went to see relations and friends of his family who still survived. Among others he saw his old nurse, who exclaimed, when she found out who he was : ' How well I remember the day when I baptized you ! ' ' Oh,' he replied, ' you baptized me, did you ? How did you baptize me ? ' She answered : ' I baptized you in the way in which I have baptized hundreds of infants, that is to say,—in the name of the Father, and of the Son, and of the Holy Ghost, and of the Virgin Mary.' The poor man was horrified when he heard that he had been baptized into the name of a quaternity, and consulted as soon as possible the best theologians as to what he ought to do. They, of course, decided that the Baptism was either invalid or at any rate highly doubtful as to its validity ; and they recommended him to be conditionally re-baptized, re-confirmed, and re-ordained, but privately, to avoid giving scandal."¹

As I have said, Father de Buck related this anecdote to me as an illustration of the rashness of Roman controversialists, who try to throw doubt on Anglican Ordinations by asserting that some Anglican clergymen

¹ The well-known Benedictine, Dr. John Scudamore, or Skidmore, known in religion as Father Leander, in a letter dated 1635, and addressed to Windesbank, Secretary of State in the reign of Charles I, says : " I remember some forty years since, in Spain, I was credibly informed of a Bishop newly consecrated, who, by an unexpected chance, came to know that he was baptized only in the name of God and our Lady ; whereupon he was baptized in the wonted necessary form, and consequently received Confirmation and Orders, because what had been before conferred was invalid for want of Baptism " (see Dr. F. G. Lee's *Validity of the Holy Orders of the Church of England*, pp. 84, 85).

have administered Baptism in a careless manner. People who live in glass houses should not throw stones.

If the nurse in the learned Bollandist's anecdote had baptized hundreds of babies, using an invalid formula, what about other nurses who, during the long centuries, have been baptizing infants? It is well known that on the Continent Baptism is very often administered by nurses, and many of them must have been very ignorant women. It is quite possible and even probable that many persons, afterwards promoted to the priesthood, and even to the Episcopate in the Latin Church during a great number of centuries, had been invalidly baptized in their infancy by nurses who, through ignorance, used a form which theologians could not recognize as valid.

But, quite apart from the use of a wrong baptismal form, or the lack of an adequate intention, Baptism must have often been administered invalidly in the Latin Church by the carelessness of the officiating priest. Many of the readers of this article, who are familiar with the way in which sacred rites are administered in some parts of Southern Europe and elsewhere, must have been shocked at the carelessness with which infants are sometimes baptized. In this connexion it may be well to recall what was written some years ago by Father Carson, a learned Irish priest of the Roman Communion. On March 11, 1903, Father Carson, writing from Davos in the Grisons, addressed a letter to the editor of *The Anglo-Catholic*, which was published in that magazine, and runs as follows :

“SIR,—May I, through your courtesy, be allowed to clear up an ambiguity that concerns myself in the letter by my dear friend, Father Ignatius, published in your current issue? I refer to the statement that ‘he [whether Cardinal Vaughan or myself is not plain] doubted . . . if we were properly baptized . . . as Anglican baptisms were so carelessly performed.’ While I gave these as the sentiments (to the best of my knowledge) of his Eminence Cardinal Vaughan, I did not for a moment intend to endorse them personally. Of all the weak arguments against the

validity of the Holy Orders of the Church of England, I confess that I think the argument based on the supposed carelessness with which Anglican Baptisms are or were performed, the weakest. That plea is suicidal in the face of historical evidence that might, if pressed home, destroy all certainty as to the validity of Roman Catholic Ordinations. For my own part, I have seen Baptism more carelessly administered in a principal church in Lisbon (during a two years' residence in Portugal) than in any Evangelical church in England.

“ I am, sir, yours faithfully,

“ W. R. CARSON (Roman Catholic Priest).”

It will be seen that Father Carson agreed with Father Victor de Buck in regarding the Baptismal argument against the validity of Anglican Ordinations as an almost insanely rash argument, when brought forward by Roman controversialists. Anyone who knows the facts must agree with those two learned theologians. An unbeliever might use the argument, and if he did so, he would deserve a serious answer. But, when a member of the Roman Communion, or a person in the position of Bishop Mathew,¹ retails this worn-out plea, he merely shows that he does not know what he is talking about, and there is no necessity to do more than to smile and pass on.

I have now shown that the Baptismal argument has no special bearing on the Anglican branch of the Church. If it has any force at all, it is an argument which requires an answer from the whole Catholic Church in all its branches. It affects Constantinople and Moscow, as it affects also Rome and Canterbury.

And the true line of answer which a Catholic theologian ought to take, when replying to a cantankerous outsider, or when giving instruction to a believer whose peace of mind has been disturbed by the wild assertions of rash controversialists, appears to me to be somewhat as follows.

It must, first of all, be frankly admitted that no one can have a *mathematical* certainty of the validity of the

¹ Concerning Bishop Mathew, see below, on p. 99.

Ordination of any particular Bishop or priest. There can be no mathematical certainty concerning the intention of the baptizer or of the ordainer¹; and there can very rarely be a mathematical certainty as to whether, so far as Baptism is concerned, the water was really applied or a valid form used. In such matters we must be content with a very strong probability that the institution of Christ and the rubrics of the Church have been carried out. As regards the validity of Baptism administered by persons belonging to Christian bodies not in communion with the Church, I should imagine that most of our clergy would shrink from reiterating Baptism conferred by Presbyterian or Wesleyan ministers. They have retained the essentials of the Catholic rite of baptizing.² But for myself, I cannot profess to feel the same security about Baptisms administered by Congregationalist and Baptist ministers of the present day. I have found sometimes on inquiry that some of them think themselves at liberty to depart very seriously from the Catholic form, and I am accustomed to rebaptize conditionally converts from those bodies, unless I have very definite proof that the Catholic form has been used.

In the West, promiscuous rebaptism has always been regarded by the Church with great disfavour; and credit is due to the authorities at Rome for their faithful custody of this principle³; though they have sometimes

¹ As Bellarmine rightly says (*De Justificatione*, lib. iii. cap. xi., *Disputationum de Controversiis*, edit. Venet., 1721, tom. iv. p. 452): "Non potest haberi certitudo fidei (si revelationem removeas) de intentione ministri, sine qua non perficitur sacramentum."

² See the Order of Baptism according to the appointed use of the Kirke of Scotland, as printed in a Scottish Service Book entitled *The Psalmes of David in Prose and Meeter*, etc., and reprinted in Dr. F. G. Lee's *Validity of the Holy Orders of the Church of England*, pp. 220, 221.

³ In a letter dated September 26, 1868, "from a distinguished clerical convert to the Roman Catholic Church," printed by Dr. Lee (*Validity of the Holy Orders*, etc., pp. 490-504), there occurs, on pp. 496, 497, the following statement: "In the last century, when a Scotch Presbyterian lady, who joined the [Roman] Catholic Church at Rome, was anxious to be rebaptized, it was peremptorily forbidden by the authorities." I have reason to think that the writer of the above-quoted letter was the late Mr. H. N. Oxenham, the distinguished author of the treatise entitled *The Catholic Doctrine of the Atonement*.

yielded to the pressure of their proselytizing emissaries in non-Roman countries.

But, while it must be granted by all Catholics, to whatever branch of the Church they belong, that there is ordinarily only a moral and not a mathematical certainty of the validity of the ordination of any particular Bishop or priest, there ought to be no sort of doubt that the sacred authority to rule and feed the Church, bestowed by our Lord upon the Apostles, has been securely transmitted through the Episcopate to the Bishops of the present day. In the first place, we know that the Church is the mystical Body and Spouse of Christ, against which the gates of hell cannot prevail. Our Lord will assuredly so order matters that the Apostolic ministry instituted by Him will last to the end of the world. He has promised to be with that Apostolic ministry all the days, even unto the consummation of the age.

It is true that, if we were bound to hold the theory taught by some few of the pre-Tridentine and post-Tridentine schoolmen and casuists, which teaches that the transmission of the Episcopate is effected only by the principal consecrator, and that the Assistant Bishops are mere witnesses and not co-consecrators, it would be difficult to see how the security of the transmission of Apostolic authority could be made plain to doubters. Relying on the promise of our Lord, believers would no doubt feel certain that the Apostolic authority was in fact transmitted; but a great strain would be put upon their faith; and we may be thankful that our faith is not required to endure that strain.

On that theory each Bishop now alive would be connected with the Apostles by a single line of Episcopal links; and if any one of the Bishops of that line should by any chance have been invalidly baptized or invalidly consecrated, the consecrations of all the subsequent Bishops in that line would be invalidated.

No doubt the few schoolmen and casuists who adopted this very dangerous theory did not realize what

they were doing. Had they done so, they never would have suggested a principle leading to such disastrous results. Their theory was an innovation, and it is now practically obsolete. I know of no one who holds it, except Bishop Mathew, an autocephalous "regional Bishop," who in some extraordinary way has obtained Episcopal Consecration from the Bishops of the Church of Holland, and has lately gathered together a few followers, and with their help has founded a new sect, to which he has given the somewhat inappropriate name of "The ancient Church of England."

The view taken by the Orthodox Eastern Church is made clear by the words of one of the prayers which occur in the Order for the Consecration of a Bishop, in Goar's edition of the "Euchologion," where the Bishop, who acts as principal consecrator, says: "Do Thou, who art Lord of all, strengthen with the illapse and power and grace of the Holy Ghost, *through the hand of me the sinner and of the ministers and fellow-Bishops here present*, this person elected and thought worthy to bear the yoke of the gospel and the pontifical dignity."¹ This testimony from the Greek portion of the Orthodox Communion may be illustrated and corroborated by a passage from the work of a representative Russian author. Nikolski, in his explanation of the sacred rites, which occurs in a book usually recommended for study to candidates for Ordination by the Russian Bishops of the present day, says:

"The consecration of a Bishop is carried out by a council of Bishops, three of whom, or at least two ('Can. Apost.' i.), must be present; for if all Bishops equally possess the grace of priesthood, all have equal rights of spiritual power; whence it follows that consecration cannot be imparted by one Bishop to another Bishop;

¹ Goar's *Euchologion*, edit. Venet., 1730, p. 244. On the same page of the *Euchologion* there is a rubric in which one of the Bishops who are taking part in the Consecration is described as τῶν συγχειροτονοῦντων Ἀρχιερέων εἷς, that is to say, "one of the *co-ordaining* pontiffs."

in other words, by an equal to an equal. For the laying on of hands, which belongs to a higher power, is something proper to a council, for it is only a council which stands possessed of the higher grade of Episcopal power.”¹

It is clear from these two passages that the Eastern Church regards all the Bishops who take part in an Episcopal Consecration as real consecrators. All are channels through whom the gift of the Episcopate is imparted. The idea that there is only one consecrator, and that all the Bishops except one are mere witnesses, is a notion foreign to the mind of the Orthodox Eastern Church.

A similar view is held by the authorities of the Roman Church. Mgr. Carinci, one of the papal Masters of Ceremonies, who is also Professor of Liturgy at the College of the Propaganda, was recently consulted on this point. He replied as follows: “The assistants must do and say everything that appertains to the essence of the Consecration, *and must have the intention of consecrating*: hence they are ministers.”²

The Church of England in the Middle Ages was possessed with the same belief. In the Sarum Pontifical, in the last of the introductory rubrics to the service entitled “Consecratio Electi in Episcopum,” the principal consecrator and his assistants are described as “archiepiscopus, et caeteri episcopi consecrantes,”³ that

¹ See Denny and Lacey (*De Hierarchia Anglicana*, pp. 3, 4). In the note on p. 4 of the *De Hierarchia*, the Russian original of the passage quoted in the text is printed. A Latin translation from the Russian, apparently furnished to Messrs. Denny and Lacey by Mr. W. J. Birkbeck, runs thus: “Consecratio episcopalis a concilio Episcoporum conficitur, quorum tres, vel ad minus duo (*Can. Apost. i.*) adesse debent; si quidem omnibus episcopis aequae est sacerdotii gratia, aequae jura spiritualis potestatis; unde sequitur ut unus episcopus episcopum, aequalis aequalem, consecrare nequeat. Namque impositio manuum, quae ad superiorem potestatem pertinet, concilio proprium est, quod solum in gradum superiorem potestatis episcopalis erigitur” (*cf. De Hierarchia, u.s.*).

² See a letter from the Rev. George B. Tatum, in the *Tablet* for June 18, 1910, p. 975.

³ See Maskell's *Monumenta Ritualia Ecclesiae Anglicanae*, iii. 244.

is to say, "the Archbishop and *the other consecrating Bishops.*" The formula used makes it clear that the Archbishop was not regarded as the only consecrator; all the Bishops present, who joined in the laying-on of hands, were consecrators as well as the Archbishop. And this is the more noteworthy because, according to the Sarum rite, although the Assistant Bishops joined in the laying-on of hands, they did not join with the Archbishop in the recitation of the consecrating prayers. The rubric says: "While the ordainer pours over him the Benediction, let the remaining Bishops, who are present, touch the head [of the Bishop-elect] with their hands and let the ordainer [*i.e.* the Archbishop] say"¹: and then follow the *Veni Creator* and the consecrating prayers. These prayers are to be found in the Pontifical of Egbert, Archbishop of York from 732 to 766, and there can be no doubt that they were used in England before his time. Presumably they were used in the same way during the whole of the pre-Reformation period. The above-quoted Sarum rubric is evidently based on the *Statuta Ecclesiae Antiqua* of St. Caesarius of Arles, which were compiled early in the sixth century, nearly a hundred years before the foundation of the Church of England by St. Augustine. The direction given in the *Statuta* runs thus: "While one pours over him [*viz.* the Bishop-elect] the Benediction, let all the other Bishops, who are present, touch his head with their hands."² One would rather gather that the principal consecrator, who alone recited the prayers, did not himself lay his hands on the head of the Bishop-elect. The imposition of hands was carried out by the Assistant Bishops, who thus, to use the later scholastic language, supplied the matter, while the principal consecrator supplied the form. The notion that the consecrating Bishops must, all of them, recite the form, and must all join in the laying-on of hands, is, I think, a Continental notion belonging to the later

¹ See Maskell, *op. cit.* iii. 256, *seqq.*

² See Morinus (*De Sacris Ordinationibus*, edit. 1695, pars 2^{da}, p. 211).

Middle Ages.¹ I doubt if the form was ever recited by the assistant consecrators in England, except on the one occasion of the consecration of Archbishop Parker. But both before and since the Reformation the assistants have always been recognized in this country as real consecrators. As I have already pointed out, some few schoolmen and casuists on the Continent denied that the assistants were real consecrators; but this view was always repudiated by the more weighty theologians, such as Cajetan, Bellarmine, Vasquez, and Martène; and the idea is now practically obsolete.

Passing now to post-Reformation times, I will quote Archbishop Bramhall of Armagh, who is one of our most authoritative theologians in all matters bearing on our Ordinations. In his discourse entitled "Consecration of Protestant Bishops Vindicated," which was published in 1658, he is arguing with two Jesuits, and he says :

"They say, Mr. Mason 'acknowledgeth that Mr. Barlow was the man who consecrated Parker, because Hodgkins, the Suffragan of Bedford, was only an assistant [*sic*] in that action; and the assistents in the Protestant Church do not consecrate.' By the Fathers' leave, this is altogether untrue. Neither was Bishop Barlow the only man who consecrated Archbishop Parker; neither was Bishop Hodgkins a mere assistant in that action; thirdly, whosoever do impose hands are joint consecrators, with us as well as them; lastly," etc.²

Here the Jesuit adversaries of Bramhall imply that Assistant Bishops in the Roman Church are real co-consecrators; but they think that in the Church of England the assistants are merely witnesses. They

¹ Since writing the sentence in the text to which this note refers, I have observed that the learned Oratorian, Morinus (*De Sacris Ordinationibus*, pars iii. exercit. ii. cap. i. sec. iv. p. 16, edit. 1695), challenges the schoolmen, or some of them, and asks them where they get their theory that the person who pronounces the form of Ordination must also apply the matter. And he adds: "In matters of this sort all arguments are fallacious which are derived from any source except Holy Scripture and the tradition of the Church."

² Bramhall's *Works*, vol. iii. p. 145, edit. A. W. Haddan, 1844.

evidently had not studied the Sarum Pontifical, interpreted with the help of the *Statuta Ecclesiae Antiqua*; if they had, they would have learnt that the Assistant Bishops in England had always been regarded as consecrators, although they took and still take no part in the audible recitation of the form.¹

The distinguished statesman, Mr. Gladstone, who was not only a statesman but also a theologian, in an interesting passage of his treatise entitled "Church Principles considered in their Results," sets himself to answer the arguments based on the doctrine of chances, which Chillingworth and others have used to undermine belief in the transmission of ministerial authority from the Apostles through the succession of Bishops to the clergy of modern times. He says: "According to the rules of the Church from the Council of Nice, or even from an earlier period, a Bishop is to be consecrated by three Bishops. . . . One of the useful effects of this wise precaution is to multiply to the third degree the chances in favour of continuity." Mr. Gladstone then proceeds to make certain mathematical calculations in regard to the probabilities of the succession being invalidated by flaws in any particular Bishop's episcopal status. He takes the case of one Bishop in twenty being either unbaptized or invalidly consecrated through some other defect,² and he shows how quickly the lesion in the

¹ The doctrine and practice of the Eastern Church and the older practice of the Latin Church are identical on this point with the doctrine and practice of the English Church both before and since the Reformation. The custom was for the assistant consecrators to impose their hands on the Bishop-elect in silence, while the principal consecrator alone recited the form. Since the thirteenth century the assistant consecrators in the Continental Latin Churches have adopted the novel plan of reciting the form with the principal consecrator. Of course, the assistant consecrators, when they fulfil their office in silence, join in spirit with the words uttered by the principal consecrator.

² The proportion suggested is enormously too large, if it were meant to describe the state of things in England since the Reformation; but Mr. Gladstone was no doubt considering the state of things in Europe during the dark ages of ignorance in the early Middle Ages, and the argument requires that the worst possible time should be chosen. Moreover, in a discussion of this sort it is better to exaggerate than to minimize.

general succession would be healed. The probability would be 8000 to one against there being an invalidating flaw in the status of all the three Bishops who should join in consecrating a new Bishop; and, as Mr. Gladstone points out, the probability would be 512,000,000,000 to unity against this new invalidly consecrated Bishop being chosen to officiate and finding two coadjutors in the same condition as himself, when he with them proceeds to go through the form of handing on the succession to the next generation.¹

Whether the Bishops, who in the early days of the Church originated the rule that, under normal circumstances,² at least three Bishops must take part as consecrators in the creation of a new Bishop, realized that they were providing a very admirable safeguard for the secure transmission of the Apostolic authority, we have no means of knowing. They may have merely intended to secure publicity, and to do what they could to keep the Consecration of new Bishops under the control of the Bishops of the province. They may also have foreseen that it would be important to provide a regulation which would prevent invalid Consecrations from producing disastrous effects on a large scale by invalidating the Consecration of Bishops in the next generation and in the generations which would follow. But whether they had this effect in view or not does not very much matter. Christ, the great Head of the Church, doubtless had it in view; and He has taken care to guide His Church into the adoption of a rule which does in a wonderful way secure the validity of the ministry and of the Sacraments for all the parts and branches of the Church. There may from time to time be an unbaptized person who gets promoted to the Episcopate, and in his diocese during his tenure

¹ See Gladstone's *Church Principles*, edit. 1840, pp. 235, 236.

² I use the expression, "under normal circumstances," because the Church, at any rate in the West, has always held that circumstances might occur which would justify Consecration by a single Bishop; and such a Consecration would be valid, though illicit, even if there were no special circumstances to justify such a serious departure from the ordinary rule.

of office the Ordinations and Confirmations will be technically invalid. We may indeed hope that God in His great love will supply what is lacking to earnest believers who are acting in good faith. But anyhow, the rule that normally there must be three consecrators will prevent any harm being done on a large scale. The general transmission of the Episcopate to future generations is safeguarded.

But this safeguard depends on the truth of the principle that each of the consecrating Bishops, whether he be the principal consecrator or one of the assistant consecrators, is an independent channel for the transmission of the gift of the Episcopate.¹ The acceptance of any theory which makes the validity of the Consecration of a new Bishop dependent on the validity of the Consecration of the principal consecrator, or still worse on the validity of the Consecrations of all the three consecrators, destroys the safeguard and endangers the reality of the episcopal succession in every branch of the Catholic Church.

If there be any persons who hold such views, it must be made clear to them that the *onus probandi* lies on them. They must be prepared to prove their thesis from Scripture and from immemorial tradition. They certainly cannot prove it from those *fontes fidei*; and if *per impossibile* they could, they would have succeeded in making the fact of the transmission of the succession in every part of the Church doubtful, and such universal doubtfulness would in the end destroy all belief in the Catholic doctrine of the sacred ministry.

¹ In this connexion, compare the words of the learned canonist, Cardinal Gasparri, quoted above, on p. 67.

PART IV

THE BULL "APOSTOLICAE CURAE" AND THE EDWARDINE ORDINAL

THE Bull "Apostolicae Curae," a translation of which was published in the *Guardian* for September 23, 1896, is a very disappointing document. It was hoped that the Pope would have risen to the occasion, and would have done something to break down the obstacles which hinder the reunion of Christendom. Unfortunately, though there is no doubt that he started with good intentions, he has yielded to the pressure which has been put upon him by his representatives in England, and, instead of helping on the blessed work of a restoration of unity based upon the truth, he has in fact built higher the walls of separation.

The Pope has declared that our ordinations are invalid. Fortunately, though perhaps unwisely, he has given his reasons for his decision. To anyone acquainted with the facts of the case and with recent phases of the controversy, these reasons must seem very amazing. They mainly turn on two points. The Pope thinks that there is a *defect of form* in the Edwardine Ordinal; and he also thinks that in the English Church there is, or was in the sixteenth century, a *defect of that intention*, which is necessary if holy orders are to be validly transmitted.

I propose to examine in the first part of this paper the alleged defect of form; and in the second part I shall say something about the supposed defect of intention. But as the whole subject of the validity of the ordinations of the English Church is being discussed, I have thought it well not to limit myself to the particular arguments used

in the recent Bull, but to refer also to other arguments which the adversaries of the Church of England are accustomed to bring forward.

It will be necessary to remember that the present discussion is not a mere academical controversy between rival schools of theologians; but that great and far-reaching issues are at stake, in which devout people, who have no pretence to theological training, take a deep interest. It will, therefore, be necessary to recall to the reader some preliminary points which would be familiar to those who have studied theology, but which might easily be overlooked by those who approach the subject without much previous knowledge of it.

I

THE SUPPOSED DEFECT OF FORM

(a) *Certain preliminary points which ought to be remembered.*

1. The first preliminary point to which I would call attention is this—that there is no one form of words which the Catholic Church has recognized as the one valid form of ordination.

The Abbé [now Mgr.] Boudinhon, who was then Professor of Canon Law in the Roman Catholic University of Paris, in his treatise, "De la Validité des Ordinations Anglicanes," pp. 27-45, prints a collection of some of the principal forms. He gives eight forms of ordination to the diaconate, eight of ordination to the priesthood, and eight of ordination to the episcopate. But the collection is by no means an exhaustive one. He omitted, for example, what at that time appeared to be the oldest Roman form, namely, the one which is given in the so-called canons of St. Hippolytus. The forms for the priesthood which he gives are the following: the old Roman (as given in the Leonine sacramentary), the old Gallican, the Greek, the Coptic, the Maronite,

the Nestorian, the Armenian, and, finally, the form in the Apostolical Constitutions. There is no doubt that originally every Church had the right to have its own form.

2. The Church appears to have been accustomed to recognize the validity of forms *adopted* by schismatical and heretical Churches, if those forms are in other respects sufficient. Mgr. [now Cardinal] Gasparri¹ expresses his opinion that, when the Roman congregations have accepted as valid the ordination formulas of the Eastern sects—as, for example, the Coptic formula, which was recognized as valid in 1704—the congregations simply investigated the sufficiency of the formula, without any investigation of the further question whether the formula was composed before or after the Coptic Church fell into heresy and schism.

3. A considerable number of very famous Roman theologians have held the view that the Church, or rather certain local Churches, have exercised the power of changing the construction of the formula of ordination, so that, whereas it was at first couched in the form of a prayer, it was afterwards, so these theologians think, worded in an imperative form in those Churches.

It is certain that a change of this kind has been effected in the case of some of the other sacraments. Morinus has shown that during the first twelve centuries absolution was always given in a formula which was worded as a prayer. About the year 1240 the indicative formula, "I absolve thee," came gradually into use, and was adopted by various local Churches. The Council of Trent² set its seal on the change, and defined that the words "I absolve thee," etc., are the essential part of the form, and that the accompanying prayers, though laudable, are not essential.

Similarly in regard to the Unction of the Sick, the usual custom has been to use deprecativè forms, but

¹ *Revue Anglo-Romaine* i. 549.

² Sess. xiv. *de Poenit.* cap. 3.

Morinus and others have shown that in the Middle Ages many local Churches, as, for example, the great Church of Milan, used indicative forms.

There seems, therefore, to be no doubt that certain portions of the Church have claimed the right to change, and have in fact changed, the construction of the forms both of Penance and of the Unction of the Sick. And that fact gives weight to the view of those theologians who hold that it is within the power of local Churches to change the construction of the form of ordination, and to make that form imperative in lieu of being precatory. The *onus probandi* seems to lie on those who deny that such a change is within the power of the Church.

4. In the Roman communion there is very great uncertainty among the theologians as to what constitutes the form in the sacrament of Order. There is no doubt that for the first twelve centuries the forms for the episcopate, the priesthood, and the diaconate were all precatory. The form was a prayer. But in the Middle Ages the opinion grew up that the forms ought to be imperative, and *formulae* couched in the imperative were introduced into the ordination services of the Western Churches. The learned Oratorian, Morinus,¹ says :

“ Nearly all the schoolmen who dispute concerning the matter and form of the Episcopate place its form in these words—*Accipe Spiritum Sanctum*, which the consecrator and the assistant bishops pronounce together while they touch the head of the ordinand, after the Gospel-book has been put upon it, as the Roman Pontifical directs. It is scarcely possible to name a single doctor who takes a different view ; nor could it be otherwise, since among most of them it is a fixed principle that the forms of the various orders are necessarily imperative. Nuñez even goes so far as to assert that this principle pertains to the faith, and that to hold the opposite is manifest heresy.”

In connexion with this quotation from Morinus it is to be noted that in the service for the Consecration of Bishops in the Roman Pontifical the words used by the

¹ *De Sacris Ordinationibus*, pars iii. exerc. ii. cap. ii. sec. i. p. 17, edit. 1695.

consecrating Bishops, when they lay their hands on the head of the Bishop-elect, are simply: "Receive the Holy Ghost." There is nothing further added to those words; nothing corresponding with the words in our present Ordinal, in which the formula runs: "Receive the Holy Ghost, for the Office and Work of a Bishop in the Church of God, now committed unto thee by the Imposition of our hands." The consecrating Bishops in the Roman communion simply say "Accipe Spiritum Sanctum."

The view of the schoolmen that the form of the episcopate is the imperative formula, "Accipe Spiritum Sanctum," has remained the common opinion in the Roman Church. In 1893 Mgr. Gasparri, then a domestic prelate of the Pope, published his "Tractatus Canonicus de Sacra Ordinatione" with an *Approbatio* of the Cardinal Archbishop of Paris prefixed. In sec. 1109 (vol. ii. p. 278) Gasparri says that the "communis sententia" is that the form of the episcopate is the words "Accipe Spiritum Sanctum." Gasparri refers in a note to a few examples of authors who take this view. He names D'Annibale, Scavini, St. Alphonso Liguori, Hallier. This view is strongly confirmed for Roman Catholics by one of the decrees of the Council of Trent. That Council¹ said, "If any one shall say that the Holy Ghost is not given by sacred ordination, and that, consequently, the Bishops *say in vain* the words 'Accipe Spiritum Sanctum,' let him be anathema." Cardinal de Lugo, who, as Mgr. Gasparri says,² is after St. Thomas *facile princeps* among Roman theologians, commenting on these words of the Tridentine Canon, asserts³ that the Council of Trent by this canon defines that the words "Accipe Spiritum Sanctum" are "verba efficacia et causativa gratiae." Some Roman divines try to explain away the Tridentine Canon, so far as it bears on the words "Accipe Spiritum

¹ Sess. xxiii. can. 4, *de Sacramento Ordinis*.

² *Revue Anglo-Romaine*, i. 547.

³ De Lugo, *De Sacramentis in genere*, disp. ii. sec. v. n. 100, tom. v. p. 20, edit. 1751.

Sanctum," but I think that most persons will agree with Cardinal de Lugo, that the canon certainly seems to teach that those words constitute at least part of the efficacious formula of ordination in the rite of the Roman Pontifical. And if that be so, then the Roman form of ordination, which was originally purely precatory, has been changed by the authority of the Church either into a form which is wholly imperative, or else into a form which is partly precatory and partly imperative. If that conclusion be accepted, then there results a very strong corroboration of the doctrine that the Church has the power of changing the construction of the ordination formula.

But I have already said that there is very great uncertainty among the theologians of the Roman communion as to what constitutes the form in the sacrament of Order. Since the time of Morinus, who wrote his great treatise, " De Sacris Ordinationibus," in the middle of the seventeenth century, a school of divines has arisen on the Continent, who throw over the unanimous teaching of the schoolmen on this subject, and who attribute no sacramental efficacy to the formula, " Accipe Spiritum Sanctum," and who hold that the form of ordination, which was undoubtedly precatory at first, has remained precatory ever since. These divines consider that the old ordination prayers, which have always remained in the Pontifical, and which were regarded by the schoolmen as a devotional accompaniment of the act of ordination, are really not a mere accompaniment, but the form of ordination itself.

Some modern theologians, as, for example, Mgr. Gasparri, seem to combine the view of Morinus with the view of the schoolmen. They hold that, whereas the old precatory form and the mediaeval imperative form coexist side by side in the Pontifical, either the one or the other is a sufficient and adequate form for imparting holy orders ; so that if by some accident the " Accipe Spiritum Sanctum " were omitted, the ordination would still be valid on account of the prayer ; and if the prayer were omitted, the orders imparted would be valid on account

of the "Accipe Spiritum Sanctum."¹ Of course, it must be understood that those who look upon the "Accipe Spiritum Sanctum" as the form assume that the structure of the service shows clearly whether the episcopate, the priesthood, or the diaconate is being imparted. That formula by itself leaves the question of the particular order undetermined. But when it is used as a form of ordination, it occurs in a service in which the grade of the ministry which is being given is plainly indicated.

5. The question is sometimes asked whether the efficacious words must be uttered contemporaneously with the laying-on of hands, and, if not, what amount of interval may there be between them. It is obvious that in a sacrament like Baptism, where the words "I baptize thee" indicate an action which is going on at the time, the matter and the form ought to be contemporaneous, or almost contemporaneous. But that reason does not apply to ordination, because neither the imperative nor the precatory form of ordination requires that the laying-on of hands should immediately follow. This holds good very specially of the precatory form. Prayers may be offered to God that He would impart the gift of the episcopate, or of the priesthood, or of the diaconate, and then other prayers may be offered for additional graces to be communicated to those who are being ordained, and, finally, the imposition of hands may take place, and the sacred gift of Order may be bestowed. Everyone, I think, admits that the matter and the form need not be strictly contemporaneous. The very first account that we have of an ordination in the Acts of the Apostles suggests that the prayer and the laying-on of hands were not contemporaneous. We read concerning the ordination of the seven deacons in Acts vi. 6, that after the multitude had chosen them they set them before the Apostles, "and *when they had prayed* they laid their hands on them." First came prayer, and then came laying-on of hands.

¹ See Gasparri, *de Sacra Ordinatione*, sec. 1109, tom. ii. p. 278.

According to the Roman Pontifical, when a priest is ordained, the Bishop and priests present lay their hands on the ordinand in silence. Then the Bishop invites the congregation in a short address to pray. During this address the Bishop and the priests keep their hands extended towards the ordinand; but if, accidentally, this extension is omitted, the ordination is, nevertheless, reputed valid.¹ Then there follows first a short prayer, and then the ordination preface, which the theologians of the school of Morinus regard as the form. It will be observed that in this case an address and a prayer intervene between the laying-on of hands and the saying of the preface, which is regarded by many as the form. If it be asked how long an interval may elapse between the matter and the form, the only satisfactory reply that I have ever seen is that of De Lugo. He lays down² that the whole ordination service is morally one and the same action, and that therefore, so long as the utterance of the form and the application of the matter occur within the limits of the same service, there is a moral union between them. I do not see myself how any other view is possible, if once it is granted, as all Roman Catholics are obliged to grant, that in ordination the application of the matter and the utterance of the form need not be contemporaneous. If you may have an address and a prayer between the matter and the form, what is to prevent your having two addresses and two prayers, and where are you to stop? De Lugo's decision commends itself to one's common sense.

6. There remains one further preliminary point on which I wish to say a few words before I deal with the Edwardine Ordinal and with the Bull. How far is it necessary that in the service for the ordination of a bishop, priest, or deacon the various powers and functions appertaining to those several orders should be explicitly referred to? And more particularly,—Is it necessary that there

¹ Cf. Gasparri, *op. cit.*, sec. 1081, tom. ii. p. 260.

² Cf. De Lugo, *loc. cit.*, n. 99.

should be a reference in the ordination of presbyters to the *sacerdotium*, which belongs to the presbyterate, and to the power of offering the Eucharistic Sacrifice ?

This matter has been admirably discussed by the Abbé Boudinhon. He bases his discussion on a comparison of the principal ordination rites, which are recognized as valid by the Roman Church, and he comes to the conclusion that it cannot be necessary to the validity of a rite of ordination to the presbyterate that there should be any allusion in it to the power of offering the Eucharistic Sacrifice, nor *a fortiori* to any other power or function belonging to the second order. And the ground of his conclusion is this—that no such allusion is to be found in the Coptic rite and in the old Roman rite as we have it in the Leonine sacramentary, and as we still have it in that preface-like prayer in the Roman Pontifical, which is considered by the school of Morinus to be even now the form of priestly ordination. In the ancient Roman ordination prayer, after an introduction referring to historical events in the Old and New Testaments, illustrating the need of having co-operators to help those in the highest offices, we come at last to the actual petitions of the prayer. They run as follows :

“ Grant, we beseech Thee, O Father, to these Thy servants the dignity of the presbyterate. Renew in their bowels the Spirit of holiness. May they obtain the gift of the second rank, receiving it from Thee, O God ; and may they recommend severity of morals by the example of their conversation. May they be serviceable [*or* prudent] fellow-workers with our [episcopal] order. May the pattern of complete righteousness shine out in them, so that, when hereafter they shall give a good account of the stewardship committed to them, they may attain to the rewards of eternal beatitude.”¹

¹ “ Da, quaesumus, Pater, in hos famulos tuos, presbyterii dignitatem. Innova in visceribus eorum Spiritum sanctitatis. Acceptum a te, Deus, secundi meriti munus obtineant, censuramque morum exemplo suae conversationis insinuent. Sint probi [providi] co-operatores ordinis nostri. Eluceat in eis totius forma iustitiae, ut bonam rationem dispensationis sibi creditae reddituri, aeternae beatitudinis praemia consequantur.”

No doubt in the present Roman Pontifical there are references to the power of offering sacrifice; as, for example, there is the well-known formula which accompanies the porrection of the instruments. That formula runs thus: "Receive the power of offering sacrifice to God and of celebrating masses as well for the living as for the dead." But in the old Leonine sacramentary and in the Roman sacramentaries generally, anterior to the tenth century, there was no porrection of the instruments, and in these sacramentaries in their unadulterated form there was no allusion to the power of offering the Eucharistic Sacrifice.

Moreover, in the oldest extant Roman formula, that contained in the *Apostolica Traditio* of St. Hippolytus,¹ words like *sacerdos* or *sacerdotium* do not occur.

We therefore come to the conclusion that the Abbé Boudinhon is right when he determines that reference to the Eucharistic Sacrifice and to priesthood are not essential.

The Abbé Boudinhon, by a comparison of the various forms in his collection, has put together all those elements which are common to all of them, and, arranging them in the form of a prayer, he has thus composed a formula which he thinks contains the *minimum* which can be admitted if a valid ordination is to be secured. There is one point in his formula which seems to me to be open to criticism, but I will first quote it as it stands in his treatise "De la Validité des Ordinations Anglicanes." It occurs on p. 50, and runs thus:

"O God, . . . look favourably upon this Thy servant, whom Thou hast vouchsafed to call to the diaconate, (or to the presbyterate, or to the episcopate or high-priesthood); grant to him Thy grace that he may be able to fulfil worthily and usefully the functions of this order."²

¹ See Dom R. H. Connolly, *The So-called Egyptian Church Order*, edit. Cambridge, 1916, pp. 51, 52, and p. 178.

² "Deus qui . . . respice propitius super hunc famulum tuum, quem ad diaconatum (*respective*: presbyteratum *vel* episcopatum *seu* summum sacerdotium) vocare dignatus es; da ei gratiam tuam, ut munera huius ordinis digne et utiliter adimplere valeat."

Mgr. Gasparri¹ accepts this formula as giving satisfactorily those elements which are common to all the recognized precatory ordination forms. The point in the formula which I should criticize is the express mention of the order conferred. Unfortunately M. Boudinhon did not take into account the ancient rite given in the so-called Canons of St. Hippolytus. If he had, he would have noticed that in the prayer for the ordination of a deacon in that rite there is no mention of the diaconate. The prayer runs as follows :

“ O God, the Father of our Lord JESUS Christ, we earnestly beseech Thee to pour out Thy Holy Spirit upon Thy servant, N., and to prepare him along with those who serve Thee, as Stephen did, according to Thy good-pleasure. And we beseech Thee to give to him strength to conquer all the power of the deceiver by the sign of Thy Cross, with which he is signed ; and to grant to him that he may pursue a faultless conduct in the sight of all men ; and to bestow upon him learning which shall be profitable to many, by means of which he may without any scandal win over a multitude of people and bring them to salvation in the Holy Church. Receive all his service through our Lord JESUS Christ, etc. Amen.”²

Attention was called to this formula by the Rev. T. A. Lacey, in the “*Supplementum*” to the “*De Hierarchy*” ; and the Abbé Boudinhon, when reviewing the “*Supplementum*,” frankly admits that, in view of this formula, his previous result must be modified. It is evident that in this formula there is no mention of either deacon or diaconate, and therefore it cannot be maintained that there is any necessity for the mention of the order, which

¹ *Revue Anglo-Romaine*, tom. i. p. 545.

² *Canones Hippolyti*, edit. Achelis, can. v. secs. 39-42, pp. 66, 67.—“ O Deus, Pater Domini nostri Iesu Christi, rogamus te nixe, ut effundas Spiritum tuum Sanctum super servum tuum N. eumque praeares cum illis, qui tibi serviunt secundum tuum beneplacitum sicut Stephanus ; utque illi concedas vim vincendi omnem potestatem dolosi signo crucis tuae, quo ipse signatur ; utque concedas ipsi mores sine peccato coram omnibus hominibus, doctrinamque pro multis, qua gentem copiosam in ecclesia sacra ad salutem perducatur sine ullo scandalo. Accipe omne servitium eius per Dominum nostrum Iesum Christum, etc. Amen.”

is being imparted, in the precatory form. No doubt, in some way or other, the fact that the ordinand was going to be ordained deacon and not priest was made manifest when the rite contained in the Canons of St. Hippolytus was performed ; but the ordination formula itself is simply a prayer that God would pour out His Holy Spirit upon the ordinand, so that by his holiness and learning he may draw many souls to salvation. The Abbé Boudinhon,¹ speaking of this Hippolytean formula, says :

“ Neither the word ‘ deacon ’ nor the word ‘ diaconate ’ is found in it. The fixing of the intention of the prayer [to the bestowal of the diaconate] is sufficiently secured either by the allusion to Saint Stephen, or by the other prayers and ceremonies, however summary they may have been at that primitive epoch, or even simply by the will and intention of the Bishop who was ordaining.”

(β) *The Second Edwardine Ordinal*

I now turn from these preliminary points to the consideration of the second Edwardine Ordinal ; and in order to keep within bounds I shall imitate Leo XIII, and speak only of the services for the ordination of Bishops and priests.

And first of all it is necessary to remember that the main difference between the second Edwardine Ordinal and the Ordinal as we find it now in our Prayer-books lies in the wording of the imperative formula which is repeated by the ordaining Bishop, or by the principal ordaining Bishop, during the laying-on of hands. In the second Edwardine rite for the consecration of Bishops, that imperative formula ran thus :

“ Take the Holy Ghost, and remember that thou stir up the grace of God which is in thee, by imposition of hands ; for God hath not given us the spirit of fear, but of power, and love, and of soberness.”

¹ *Revue Anglo-Romaine*, tom. ii. p. 674.

Whereas in our present Ordinal the first clause, "Take the Holy Ghost," is expanded, and runs thus :

"Receive the Holy Ghost, for the Office and Work of a Bishop in the Church of God, now committed unto thee by the Imposition of our hands ; In the Name of the Father, and of the Son, and of the Holy Ghost. Amen."

The latter part of the formula is also slightly altered, but these further alterations need not detain us. Turning from the services for the consecration of Bishops to the services for the ordination of priests, we find that the Edwardine imperative formula for priests was as follows :

"Receive the Holy Ghost : whose sins thou dost forgive, they are forgiven : and whose sins thou dost retain, they are retained : and be thou a faithful dispenser of the Word of God, and of His Holy Sacraments. In the name of the Father, and of the Son, and of the Holy Ghost. Amen."

Here also the first clause was expanded in 1662, so that in lieu of the words "Receive the Holy Ghost," our present Ordinal has :

"Receive the Holy Ghost for the Office and Work of a Priest in the Church of God, now committed unto thee by the Imposition of our hands."

I will now proceed to test the Edwardine rite by the two main theories concerning the form of ordination which divide the opinions of the theologians of the Roman communion. As we have seen, the schoolmen require that the form of ordination shall be in the imperative, and with one consent they hold that "Accipe Spiritum Sanctum" is a sufficient form for conveying the gift of the episcopate. If it is sufficient to convey the gift of the episcopate in the Roman communion, one does not see how any objection can be raised against it on the score of inadequacy in the Anglican communion. As a matter of fact, whereas in the Roman Pontifical the words "Accipe Spiritum Sanctum" stand alone, in the Edwardine Ordinals they are followed by words which connect the

formula closely with the bestowal of the episcopate, for the principal consecrator goes on to say "Remember that thou stir up the grace of God which is in thee by imposition of hands," etc. Now these words are taken from St. Paul's Second Epistle to St. Timothy, and it was generally believed by the commentators and theologians of the sixteenth century that St. Paul is referring in this passage to St. Timothy's consecration to the episcopate. The Edwardine formula is, therefore, less indeterminate than the Roman formula. But, in real truth, neither the Roman formula nor the Edwardine formula is open to the charge of indeterminateness. Because in both cases the rest of the service makes it perfectly clear that a Bishop is being consecrated. That is the answer which the schoolmen make to the charge of indeterminateness, and it is a perfectly sufficient answer, sufficient for them and sufficient for us. Over and over again the Edwardine Service makes it clear that a Bishop is being consecrated. After the Creed the Bishop-elect is presented to the Archbishop by two Bishops, who say "Most Reverend Father in God, we present unto you this godly and well-learned man *to be consecrated Bishop.*" Later on, with a view to his being consecrated Bishop of such-and-such a see, the Bishop-elect takes the oath of due obedience to the Archbishop of the province, in the course of which oath he uses these words :

"I, *N.*, *chosen Bishop* of the Church and see of *N.*, do profess and promise all due reverence and obedience to the Archbishop and to the Metropolitan church of *N.*"

During the Litany the Archbishop uses a special suffrage asking God to bless "this our brother elected" and to send His grace upon him that he may "duly execute the office whereunto he is called." When the Litany is ended the Archbishop prays as follows :

"Almighty God, giver of all good things, which by Thy Holy Spirit hast appointed *divers orders* of ministers in Thy Church ; mercifully behold this Thy servant *now called to the work and*

ministry of a Bishop, and replenish him so with the truth of Thy doctrine and innocency of life, that both by word and deed he may faithfully serve Thee in this office, to the glory of Thy Name and profit of Thy congregation.”

These various parts of the service make it perfectly manifest that the object of the whole rite is to “consecrate” the ordinand so that he may receive the “order” of the episcopate with a view to his exercising the “office,” “work,” and “ministry” of a Bishop. Thus the formula, “Accipe Spiritum Sanctum,” receives a definite direction and is used for a definite purpose, which has been abundantly made clear, that purpose being the consecration of the elect to be a Bishop.

If it were worth while, one might go through the service for the ordering of priests, and gather up those parts of it which define the purpose of the service to be the ordaining of the candidate to the sacred order of priesthood, that so he may exercise the office and ministry of a priest. But anyone who chooses may make such an investigation for himself; and, if he makes it, he will see that there is abundant proof that the whole construction of the service determines the intention with which the words “Accipe Spiritum Sanctum” are said at the laying-on of hands. Those words are said with the intention of making a priest.

It should be noted that in the ancient rite, which is preserved in the so-called Canons of St. Hippolytus, the ordination prayer for the ordering of a priest is identically the same as the prayer for the consecration of a Bishop, except that the word “episcopate” is changed into the word “presbyterate.” The fourth of these canons says :

“But if a presbyter is ordained . . . let the same prayer in its entirety be prayed over him as was used over the Bishop, with the single exception of the word,—‘*episcopate.*’”¹

¹ *Canones Hippolyti*, edit. Achelis, can. iv. secs. 30, 31, p. 61.—“Si autem ordinatur presbyter . . . eadem oratio super eo oretur tota ut super episcopo, cum sola exceptione nominis episcopatus.”

The obvious inference is that, if the words "Accipe Spiritum Sanctum," occurring in a service which determines the intention to be the conferring of the episcopate, are an adequate form for the Consecration of a Bishop, as all the schoolmen assert that they are, then those same words, occurring in a service which determines their intention to be the bestowal of the priesthood, will be an adequate form for the ordering of a priest.

I have already shown that in any ordination rite, otherwise valid, the absence of the words "sacerdos" and "sacerdotium," and the absence of any explicit reference to the power of offering sacrifice, cannot possibly have the effect of invalidating the orders of Bishop or priest presumed to be imparted by the use of that rite.

I think that I can now claim to have shown that on the theory of the schoolmen, which asserts the validity of imperative formulae, the Edwardine offices are absolutely valid.

I proceed to consider the theory of the followers of Morinus, who hold that the form of ordination must always be a prayer.

At this point it may be well to recall the conclusion at which we have already arrived,¹ namely, that, as Cardinal de Lugo points out, the whole service is one action; and that, therefore, if the form and the matter both occur in the course of the service there is sufficient moral unity connecting them to ensure a valid ordination.

On investigating the Edwardine services for the ordering of a priest and the consecration of a Bishop, it will be found that in each of these services there is a prayer, commencing with the words, "Almighty God, giver of all good things," which more than satisfies the *minimum* requirements which the Abbé Boudinhon has deduced from a comparison of the ancient ordination precatory forms. It will also be found that immediately preceding the laying-on of hands, whether in the rite for the Consecration of a Bishop or in that for the ordination

¹ See above pp. 112, 113.

of a priest, there is a prayer which, when taken in connexion with those parts of the service which determine the purpose and object of the service, is sufficient to constitute an adequate precatory form. Thus adequate precatory forms exist in superabundant measure. It follows that, whether with the schoolmen and the *communis sententia* of Roman theologians at the present day we admit or even demand an imperative form, or whether with the school of Morinus we require a precatory form, the Edwardine services must be pronounced to be thoroughly satisfactory on the score of validity.

Here I should wish to notice a possible objection. It is conceivable that some may hold that the Church's power extends so far as to enable her to make the porrection of the instruments to be the matter, and the words "Receive the power of offering sacrifice," etc., to be the form, in the ordering of priests; and such persons may hold that the Church actually exercised such a power in the Middle Ages; and the question may be asked: What right had the local Church of England to abrogate that matter with its corresponding form? In reply, I would point out in the first place that the notion that the porrection of the instruments was ever made by any part of the Church to be the matter of ordination to the priesthood is a highly improbable notion, and is almost certainly based upon a mistake. It was, no doubt, originally introduced about the tenth century as a laudable ceremony, setting forth one of the powers and functions of the presbyterate. But afterwards the schoolmen, or some of them, mistook the nature of this rite, and imagined that it was the essential form. Even a Pope was misled in regard to this matter, and he very seriously compromised his see in consequence. I refer to the fact that Eugenius IV, in a famous Bull addressed to the Armenians, which was promulgated at the Council of Florence, *sacro Concilio approbante*, gave an authoritative instruction concerning each of the sacraments, defining what in each case was its matter and form; and in regard

to ordination to the priesthood he defined that the matter consisted in the porrection of the instruments, and the form in the words, "Receive the power of offering sacrifice," etc. He said not a word about the laying-on of hands. When we compare what he says about the sacrament of Order with what he says about the other sacraments, it becomes evident that he intends the Armenians to understand that, if the porrection of the instruments has been duly carried out, and its accompanying form duly pronounced, then, so far as the rite is concerned, the ordination is valid. It would be hardly possible at the present day to find any theologian of the Roman communion who would accept this teaching. They would unanimously, or almost unanimously, hold that the laying-on of hands is essential. Most would regard the porrection of the instruments as belonging to the solemnity and not to the essence of the rite. Judging from the cases of Eugenius IV and of Leo XIII, one must say that the Popes, when they deal by way of Bull with the subject of ordination, are unfortunate. It seems as if history were likely to place side by side, as examples of Papal mistakes, Leo's Bull, "Apostolicae Curae," and Eugenius's Bull, "Exultate Deo." But, for the sake of argument, let us suppose for the moment that in the Middle Ages the porrection of the instruments was deliberately made by ecclesiastical authority to belong to the essence of the ordination rite in certain parts of the Church. Even on that hypothesis it is quite certain that the change must have been made at different times in different local Churches by the local Bishops. The change was never made by any Oecumenical Council, nor did the Popes attempt to force it, either on the whole Church or even on the whole West.¹ If the porrection of the instruments was ever made by ecclesiastical authority to be part of the essence of ordination in England, the thing must have been done by the English Bishops. And it is clear that what the English Bishops could do

¹ See the Appendix A, pp. 140, 141, below.

they could also undo. If they had the right to alter the matter of the sacrament of Order, as it had come down from the Apostles, they had *a fortiori* the right to abrogate the later innovation, and to return to Apostolic and Catholic usage. It follows, therefore, that the objection which I am considering falls to the ground.

There is one final matter on which I should wish to touch, before I quit the subject of the rite. The Pope, in his recent Bull, constructs out of the fact that the Edwardine *formulae* were enlarged in 1662 an argument in favour of the view that "the Anglicans themselves perceived that the first form was defective and inadequate." His Holiness appears to be unaware that the change was made with the intention of parrying a controversial weapon forged by the Presbyterians. These latter argued that the English Church herself was committed to the Presbyterian principle of ministerial parity, because the same formula, "Receive the Holy Ghost," was used both for Bishops and for priests. It was an absurd argument, because the English Church never in fact used the same formula for Bishops and for priests. However, it was thought well, in view of the Presbyterian contention, that the difference between the formula for bishops and the formula for priests should be accentuated. But, even if there were more in the argument than there is, it would be unwise for Roman Catholics to lay stress on it. The Roman Church has at various times in the course of its history changed and added to its ordination services. The old ordination service of the second century, as we find it in the "Apostolica Traditio" of St. Hippolytus, was changed into the later rite, as we find it in the Leonine Sacramentary; and to this were afterwards added ceremonies and formularies bringing into greater prominence the power of offering sacrifice. If the Pope's argument is a fair one, when used in reference to the Anglican Ordinal, it must be also fair and sound when applied to the Roman rites of ordination. If we followed the Pope's method of controversy, we might say concerning the

Roman Pontiffs that they themselves "perceived that" their earlier forms "were defective and inadequate"; and it might be argued that in consequence their present orders are null and void. God forbid that we should argue in that way! May the defenders of the English Church never be led by any stress of controversy to turn against the Roman Church the weapons which she forges against us. They are weapons which pierce those who use them in a far more deadly way than they pierce those for whose benefit they were constructed. The day is coming when Churches, and Pontiffs, and controversialists will have to give a strict account of their methods of argument; and woe be to those in that dread judgement who have opened afresh the wounds of the Body of Christ, and who have tried to win a controversial victory by unfair means!

II

THE SUPPOSED DEFECT OF INTENTION

I pass on now to consider the second main objection raised in the Bull. The Pope holds that there is not only a defect of form, but also a defect of intention. And when the Pope speaks of a defect of intention, he appears to be alluding not so much to the private intentions of individuals as to the public intention of the English Church in her corporate capacity. But in fact the public and corporate intention of the Church carries with it and determines the intentions of individual officiants. No one can doubt that the Bishops of the English Church, when they ordain, have as their primary governing intention to do that thing which the English Church intends them to do.

In order to prove this defect of intention the Pope lays stress on the fact that in the Edwardine Ordinal no mention is made "of the sacrifice, of consecration, of the sacerdotium, and of the power of consecrating and offering sacrifice." He thinks that every trace of these things

“was deliberately removed and struck out.” He apparently thinks that these omissions reveal a heretical intention in the Church which sanctioned them.

But in point of fact it is most important to notice that what the English Church did was to revert to an earlier type of ordination service. She went back in several respects from the mediaeval type to the primitive Roman type, as it is found, for example, in the service for the Ordination of a Presbyter in the Leonine Sacramentary. In that service there is no allusion anywhere to the offering of the Eucharistic Sacrifice. Once, and once only, in the course of the service does such an expression as “*gratiae sacerdotalis*” occur; and then it occurs not in the long prayer, which is in fact the form, but in a short preparatory prayer which precedes the form. That single use of the word “*sacerdotalis*” is more than matched in the Edwardine service by the continual use of the English word “*Priest*.” For, as Dr. J. Wordsworth pointed out in his “*Responsio ad Batavos*,” when the word “*Priest*” occurs in the services of the Prayer-book, it is rather the equivalent of the Latin “*sacerdos*” than of “*presbyter*.”¹ The English translators of the Bible, headed by Tyndal, had deliberately refused to translate “*presbyter*” by “*priest*,” because that word carried with it an atmosphere of sacerdotalism. They, therefore, used “*priest*” as the equivalent of “*sacerdos*,” and rendered “*presbyter*” by “*elder*.” But the compilers of the Prayer-book, rejecting the word “*elder*,” reverted to the sacerdotal word “*priest*”; and accordingly, as we might expect, in the most ancient Latin versions of the Prayer-book the word “*priest*” is translated “*sacerdos*,” and not “*presbyter*.” And similarly the authorized Latin heading of the thirty-second of our Articles runs thus: “*De coniugio sacerdotum*”; while the English heading is, “*Of the marriage of priests*.” Even if the word “*priest*” or “*sacerdos*” had been absent from the Edwardine Ordinal, a good precedent could have been found for such absence

¹ *De Validitate Ordinum Anglicanorum. Responsio ad Batavos*, p. 14.

in the oldest Roman ordination service, as we find it set forth in the "Apostolica Traditio" of St. Hippolytus.

We must remember that the very salutary reaction from mediaeval to primitive ways, which was characteristic of the sixteenth century, was not in any way peculiar to England. It lay at the root of a great deal in that real, though incomplete, reformation which St. Philip Neri¹ effected in Rome, and which other holy men as, for example, the Venerable Bartholomew of the Martyrs inaugurated in other parts of Latin Christendom. Of course, this reaction took a different form in different countries; but, wherever it showed itself, it formed part of one great wave of aspiration after primitive methods and ideas, which swept over Europe.

But no doubt there were other reasons, besides the desire of reverting to primitive ways, which moved the English Church in the sixteenth century to strike out from its liturgical formularies, and specially from its ordination services, words and phrases which gave special prominence to the priestly function of offering sacrifice. For anyone who has candidly studied the theological literature of the first half of the sixteenth century, there cannot be the least doubt that erroneous opinions about the Eucharistic Sacrifice were current even among learned divines; and if that was the case, those errors were no doubt still more common among the unlearned lay folk. It seems desirable to illustrate the statement which I have made in the previous sentence by a few quotations.

The Spanish Jesuit, Vasquez, one of the greatest authorities among the later schoolmen, expresses himself as follows:

"Some of the more modern authors have *openly taught* that, by the Sacrament of the Eucharist, in so far as it is a sacrifice offered to the Father, not only the venial sin of those for whom

¹ Faber said of St. Philip: "His associations and instincts were all for primitive times; not for mediaeval saints, . . . nor for modern ideas."—*Notes on Doctrinal and Spiritual Subjects*, vol. i. p. 394.

it is offered, but also their mortal sin is blotted out according to their disposition, *ex opere operato*, as if they had had the sacrament of penance ministered to them ; so that to effect this blotting out simple attrition suffices in him for whom the Mass is offered ; and by virtue of the sacrifice, which produces results similar to those of the sacrament of penance, without any other operation of the will, the grace of the remission of sins is always proximately conferred.”¹

In other words, if a man had committed a murder and was sorry that he had done so, not from any hatred of the sin as such, but because he feared to be cast into hell, and if without making any confession or reparation he went to a priest and paid him to say a mass in satisfaction for his sin, that mass would, on this theory, apart from contrition and from the sacrament of penance, restore the sinner to the state of grace. Two other great Spanish theologians, the Dominican Melchior Canus² and the Jesuit Suarez,³ bear witness to the fact that this detestable teaching was current in some quarters.

Cardinal Cajetan, “ un des princes de la théologie,” as Père Lagrange calls him in the *Revue Biblique*,⁴ said :

“ The common error of many shows itself in this, that they think that this sacrifice [of the altar] has a certain definite amount of merit or makes a certain definite amount of satisfaction *ex opere operato*, which is applied to this person or to that person.”⁵

Vasquez and Véron state the true doctrine, when they say that the Eucharistic Sacrifice obtains what it does obtain by way of impetration.

The Dominican, Ambrosius Catharinus, was one of the leading divines at the Council of Trent. In recompense for the work he did there he was made first Bishop

¹ Vasquez, *Comment. in tert. part. S. Thom.*, disp. 228, tom. iii. p. 593, edit. 1614.

² Melchior Canus, *De Locis Theologicis*, lib. xii. cap. xi. in the paragraph beginning with the words, “ *In huius autem confirmatione*,” Migne, *Theol. Curs. Complet.*, tom. i. coll. 854, 855.

³ Suarez, *In tert. part. S. Thom.*, disp. 79, sect. iii. n. i.: *Opp.* edit. 1861, tom. xxi. p. 720.

⁴ *Revue Biblique* for October 1896, p. 518.

⁵ Cajetan, *Quaest. et Quodl.*, edit. Venet., 1531, *De Celebr. Miss.*, quaest. ii. tom. iii. fol. 76.

of Minori and afterwards Archbishop of Conza, and he died when he was on his way to Rome to receive a Cardinal's hat. Yet his views about the Eucharistic Sacrifice were most astounding. His fellow-Dominican, Melchior Canus, says :

"From this we may understand how insane was the opinion of Ambrosius Catharinus, who taught that sins committed before baptism are remitted through the Sacrifice of the Cross, but all post-baptismal sins through the sacrifice of the altar."¹

Bishop Gardiner, of Winchester, in a sermon preached on St. Peter's Day, 1548, used these words :

"When men added to the Mass an opinion of satisfaction or of a *new* redemption, they put it to another use than it was ordained for."²

These are specimens of the class of errors about the Eucharistic Sacrifice, which made Cranmer and some of his brethren hesitate about permitting sacrificial words to remain in liturgical formularies, which were drawn up in the vulgar tongue, and were meant to be used by the mass of the people. Leo XIII has been misled into supposing that the reverting to an earlier type of ordination service, in which sacrificial terms did not occur, implied that the Church of England intended to repudiate the true doctrine of the Eucharistic Sacrifice. He condemns the English Church on a charge of what may be called constructive heresy, based not on positive evidence, but on the absence of certain words from certain formularies. A negative argument of that kind seems a very precarious foundation on which to base such serious and far-reaching deductions. And in the present instance the Papal deductions can be very easily disproved.

The man who had most to do with drawing up the Ordinal was Archbishop Cranmer, and Archbishop Cranmer expressly tells us that he never intended to deny

¹ Melchior Canus, *De Locis Theologicis*, lib. xii. cap. xi. Migne's *Theolog. Curs. Complet.*, tom. i. col. 857.

² See Dixon's *History of the Church of England*, vol. iii. p. 264.

that the Holy Eucharist is a sacrifice. In his answer to Smith's Preface he says :

"The controversy is not, whether in the Holy Communion be made a sacrifice or not (for herein both Dr. Smith and I agree with the foresaid Council at Ephesus), but whether it be a propitiatory sacrifice or not, and whether only the priest make the said sacrifice, these be the points wherein we vary. And *I say*, so far as the Council saith, *that there is a sacrifice* : but that the same is propitiatory for the remission of sin, or that the priest alone doth offer it, neither I nor the Council do so say, but Dr. Smith hath added that of his own vain head."¹

This was written in 1551, after the first Ordinal of Edward had been published, and when Cranmer was occupied in preparing the second Ordinal. It will be observed that in the above-cited passage Cranmer, while asserting that in the Holy Eucharist there is a sacrifice, denies that that sacrifice is propitiatory. In his "Answer to Gardiner" he explains the sense in which he uses the word "*propitiatory*." He says :

"To defend the Papistical error, that the daily offering of the priest in the Mass is propitiatory, you extend the word 'propitiation' otherwise than the Apostles do, speaking of that matter. I speak plainly according to St. Paul and St. John, that only Christ is the propitiation for our sins by His death. . . . I call a sacrifice propitiatory, according to the Scripture, such a sacrifice as pacifieth God's indignation against us, obtaineth mercy and forgiveness of all our sins, and is our ransom and redemption from everlasting damnation."²

The fact is that Cranmer and Gardiner were at cross purposes. They were using the term "*propitiatory*" in different senses. Véron aptly distinguishes the two meanings of the word. He explains the word, when taken in its stricter sense, as meaning "meriting redemption and the remission of sins." Cranmer was right in denying that the Mass was propitiatory in that stricter

¹ *On the Lord's Supper*, p. 369, edit. Parker Soc.

² *Op. cit.*, p. 361, edit. Parker Soc.

sense. But Véron¹ goes on to explain the meaning of the word when taken in a wider sense. He says that a rite is propitiatory in the wider sense when it impetrates from God the application of the merits of the Passion of Christ. In that sense, Gardiner was right in saying that the Eucharistic Sacrifice is propitiatory. But Cranmer never denied that it was propitiatory in that wider sense.

But let us suppose for the moment, and purely for the sake of argument, that Cranmer worded the Ordinal in the way he did because he had a secret desire to undermine the faith of the English Church, and because he hoped that she would, as a result of his proceedings, be led on in time to deny that the Holy Eucharist is a sacrifice. Such a theory is absolutely unhistorical; but let us suppose that it represents the truth. The question would then arise—Did the English Bishops, when they adopted the Edwardine Ordinal, adopt it with the heretical object and intention which we are for the moment attributing to Cranmer? It seems to me to be perfectly evident that the Episcopate of the English Church had no such intention. We have no right to attribute to men like Aldrich, Bishop of Carlisle, Thirlby, Bishop of Norwich, King, Bishop of Oxford, Salcot, Bishop of Salisbury, Chambers, Bishop of Peterborough, and Wharton, Bishop of St. Asaph, that they were parties to a conspiracy to undermine the faith of the Church in the doctrine of the Eucharistic Sacrifice. Yet they retained their sees during the whole of the time that the second Ordinal was in force. Presumably they used it at the Ember seasons, when they ordained priests or deacons. Aldrich of Carlisle certainly joined in using it in May 1553 because he was one of the consecrators of Harley to the see of Hereford. And yet when Mary came to the throne two months after the consecration of Harley, all these Bishops retained their bishoprics, and said Mass according to the Sarum or York rite. In less than two years after he had taken part

¹ Cf. Véron, *De Regula Fidei Catholicae*, cap. ii. sec. 14, Migne's *Theol. Curs. Complet.*, tom. i. col. 1396.

in the above-mentioned consecration, we find Aldrich sitting on a commission with Gardiner, and (*horribile dictu*) condemning to the flames some ultra-Protestants who had denied the doctrine of the Real Presence. Thirlby was promoted by Mary to the rich see of Ely, and was sent by her as ambassador to the Pope. He was also Cardinal Pole's trusted friend, and acted as his agent at the Court of Rome. It does not look as if anyone supposed that two years before these Bishops had been joining in a plot to corrupt the faith of the Church of England in the Eucharistic sacrifice. The fact is, there was no such plot. Still less was there any openly avowed policy of propagating the view that in the Holy Eucharist there is no sacrifice.

The words of the recent Bull make it clear that the Pope, who cannot be supposed to have personally made any deep study of Anglican theology, has been deluded by some of his advisers into imagining that the doctrine of the priesthood and the sacrifice, having been suppressed in the time of Edward VI, was suppressed a second time after the accession of Elizabeth, and remained in a state of suppression during her reign and during the reign of James I, and was finally revived as a new thing in the time of Charles I. A more grotesque misrepresentation of the facts could hardly be imagined, as I shall proceed to show.

Harding, in his "Confutation" of Jewel's "Apology," published in 1565, had accused the Church of England after this fashion :

"After the doctrine of your new Gospel, like the forerunners of Antichrist, ye have abandoned the external sacrifice and priesthood of the New Testament."

Jewel, in his "Defence of the Apology," published in 1567, trenchantly replies in a marginal note :

"Untruth. For we have abandoned neither the priesthood nor the sacrifice that Christ appointed." ¹

¹ *The Works of John Jewel*, portion iii. p. 320, edit. Parker Society.

Bilson, Warden of Winchester, and afterwards Bishop first of Worcester, then of Winchester, replying in 1585 to a Roman Catholic adversary, said :

"The Fathers with one consent call not your private Mass, that they never knew, but the Lord's Supper, a sacrifice ; *which we both willingly grant and openly teach.*"¹

Andrewes, then Prebendary of St. Paul's, afterwards Bishop first of Chichester, then of Ely, and finally of Winchester, preaching in 1592 his "Sermon of the Worshipping of Imaginations," said :

"As these are their [the Romanists'] imaginations, so we want not ours. For many among us fancy only a sacrament in this action, and look strange at the mention of a sacrifice : whereas, etc. . . . And the old writers use no less the word 'sacrifice' than 'sacrament' ; 'altar' than 'table' ; 'offer' than 'eat' ; but both indifferently to show there is both."²

Later on in his life, in his "Answer to Cardinal Duperron," Andrewes said :

"*The Eucharist ever was, and by us is considered, both as a sacrament and as a sacrifice.*"³

In 1606 Richard Field, then Canon of Windsor, afterwards Dean of Gloucester, published his great treatise, "Of the Church." In it the following passage occurs :

"Christ offereth Himself and His body once crucified daily in heaven . . . in that He setteth it before the eyes of God His Father, representing it unto Him, and so offering it to His view, to obtain grace and mercy for us. And in this sort we also offer Him daily on the altar."⁴

Jewel, Bilson, Andrewes, and Field are representative names among the theologians of the Church of England

¹ Bilson, *The True Difference between Christian Subjection and Unchristian Rebellion*, p. 688, edit. 1585, Oxford.

² Andrewes, *Sermons*, vol. v. pp. 66, 67, edit. 1843, Oxford.

³ Andrewes, *Minor Works*, p. 19, edit. 1854, Oxford.

⁴ Field, *Of the Church*, Append. to Book iii. vol. ii. pp. 61, 62, edit. 1849.

during the reigns of Elizabeth and James I, and they all with one accord bear witness to the fact that the English Church had retained priesthood and sacrifice, and that she taught the truths connected with them to her people. I am quite ready to admit that some of these divines held the Scriptural and patristic doctrine about the sacrifice more fully and consistently than others. In all ages of the Church's history there have been variations in the details of the explanations given by the different writers. A similar phenomenon is to be found in the Roman schools to-day. But the notion implied in the Bull that these doctrines were in abeyance in England after the Reformation until they were revived in the time of Charles I is an absurdity, which implies an almost incredible depth of ignorance in the person who was charged with the duty of drafting the "Apostolic Letter."

It is much to be regretted that the Pope, instead of fixing his attention on what may be called the negative aspect of the case, and attempting to construct out of the absence of certain words from the Ordinal a speculative and, in fact, very erroneous theory as to what he supposes may have been the intention which actuated the English Church—it is much to be regretted, I say, that the Pope did not study her positive statements, in which she defines her real intention with luminous preciseness. In the Preface to the Ordinal we have a document of the highest authority, in which the Church of England made it clear from the very first that she regards her post-Reformation bishops, priests, and deacons as holding the same offices as those which had been held by their predecessors in mediæval times. This is how that Preface runs in the two Edwardine Ordinals :

“ It is evident unto all men diligently reading Holy Scripture and ancient authors, that *from the Apostles' time* there hath been these Orders of Ministers in Christ's Church ; Bishops, Priests, and Deacons. Which offices were *evermore* had in such reverent Estimation, that no man by his own private authority might presume to execute any of them, except he were first called, tried,

examined, and known to have such qualities as were requisite for the same ; and also by public Prayer, with Imposition of Hands, approved and admitted thereunto. And therefore, *to the intent* these Orders should be *continued*, and reverently used and esteemed, in this Church of England, it is requisite that no man (*not being at this present Bishop, Priest, nor Deacon*) shall execute any of them, except he be called, tried, examined, and admitted according to the form hereafter following."

It would be impossible to find words which would more clearly indicate that the Church, when she sanctioned the new Ordinal, was not proposing to start a new ministry, or to revive one which had been in abeyance since the days of the Apostles. She asserts that there has been a ministry which has existed all along "*from the Apostles' time,*" which ministry has "*evermore*" been had in reverent estimation, and the Church's deliberate *intention* is to *continue* this ministry by ordaining fresh bishops, priests, and deacons, according to the order of prayers and ceremonies laid down in the Ordinal. Those who had already been ordained bishops, priests, and deacons by the rites of the Pontifical needed no fresh ordination. They were recognized by the Church as possessed of that ministry which she was proposing to continue. It was this clear recognition of the validity of the mediaeval ministry, and this determination to continue it, which brought down on the English Church the scorn and bitter hostility of the sectaries. She fought her battle with them and won it. It is strange that she should now be accused of throwing away that very treasure which she has guarded with such tenacity and transmitted with such faithfulness. But this new attack must break down. The witnessing voice of history is clear,¹ and the Pope himself cannot silence it.

I believe that all candid readers will admit that

¹ I may perhaps be allowed to mention that I have discussed this subject of the intention of the Church of England with much greater fulness in a French pamphlet, entitled *Les Ordinations Anglicanes et le Sacrifice de la Messe*.

evidence has been given in the preceding pages sufficient to make clear that it was no part of the intention of the Church of England in the sixteenth century to do away with the doctrine that in the Holy Eucharist a sacrifice is offered to God. The Church of England determined at that time to "*continue*" the primitive and mediaeval priesthood, and she has continued it to this day. That priesthood has always, from the Day of Pentecost onwards, offered the Eucharistic sacrifice to God; and, as Dean Field truly says, "we also [of the English Church] offer Him [*i.e.* our Lord] daily on the altar." But an objection is sometimes raised by our adversaries, to which it seems well to reply here, although the Bull makes no mention of it.

It is said that, although it may be granted that the Church of England, as a corporate body, intends by her Ordination Service to ordain priests who shall offer the Eucharistic sacrifice to God, yet nevertheless individual Bishops may be found who do not believe that the Eucharist is a sacrifice, and who consequently have no intention of ordaining priests capable of offering sacrifice; and then it is assumed that this lack of intention will invalidate the ordinations conferred by such a Bishop. But an objection of this kind proceeds on a complete misunderstanding of what Catholic theology teaches about the intention which is needed for a valid ordination. If such an objection were really solid, no priest in any part of the Church could be sure of his priesthood. In the Roman Communion there have been utterly unbelieving Bishops, like Talleyrand, Bishop of Autun, in the last century. He probably did not believe in God. He certainly did not believe in the Incarnation of our Lord, nor in the Church, nor in the episcopate, nor in the priesthood, nor in the Eucharistic Sacrifice. Yet he was the principal consecrator of the Bishops Expilly and Marolles, who themselves took part in the consecration of a number of other Bishops; so that this avowed unbeliever is the ultimate source from which a portion of

the existing French clergy derive their orders.¹ Is then that portion of the French clergy validly ordained? Certainly they are; and assuredly they are recognized as true priests and deacons by the Roman Church. Talleyrand, when he consecrated, went through the service seriously. He was an officer of the Church, and was acting in the name of the Church; and consequently the intention of the whole rite was determined not by his private unbelief, but by the intention of the Church whose mouthpiece he was.

At one time in Spain a certain number of the Bishops were really Jews in belief. If anyone questions whether their ordinations were valid, the answer is—most certainly they were. They have always been accepted as valid; and they obviously were valid, because the Bishops acted in that case also as the Church's mouthpieces.

The fact is that the Roman Church has always held that no amount of error in the officiant can invalidate a sacrament, if he seriously means to perform the rite appointed by the Church. Not very long ago, in the year 1872, the following case was brought before the Roman Inquisition: "There are certain places, where the heretics baptize with the proper form and matter, but they expressly warn those whom they baptize that they are not to believe that baptism has any effect on the soul: for they say that the baptism which they confer is a mere outward sign of admission into their sect. And so they often make a mock at Catholics, because these latter believe in the supernatural effects of baptism, and the heretics declare that the Catholic belief is superstitious. The Congregation of the Inquisition is asked to say whether the baptism administered by those heretics is doubtful on account of the defect of intention of doing what Christ willed to be done, if it was expressly declared by the officiating minister, just before he baptized, that

¹ See an article by M. Arthur Loth entitled *Talleyrand et l'Église Constitutionnelle de France*, which appeared in the *Revue Anglo-Romaine* for October 1896, vol. iii. pp. 481-501.

baptism has no effect on the soul." On December 18, 1872, the Inquisition replied that the baptism administered by those heretics is certainly valid, because, notwithstanding their error about the effect of baptism, the intention of doing what the Church does is not excluded.¹ There is nothing to be surprised at in the reply of the Inquisition. Their reply is based on what may be called the A, B, C of the theology of the matter. Any other reply would have thrown the whole sacramental teaching and practice of the Church into hopeless confusion. The wonder is that clergymen of the Roman Communion, when dealing with uninstructed English Churchmen, can be so unblushing as to lay down an opposite principle, when they are speaking of ordinations conferred by a Bishop, who may have seemed to throw doubt on the primitive doctrine about the Eucharistic sacrifice.

Let me give another quotation, which I will take from a celebrated work by a leading Jesuit theologian of the last century, Cardinal Franzelin, and which deals directly with the subject of the sacrifice. Cardinal Franzelin says: "If a priest wishes to consecrate the Eucharist, and at the same time has the express intention that the Eucharist which he is going to consecrate shall not be a sacrament, or that by the consecration, which *ex hypothesi* he means to effect, no sacrifice shall be offered, such a priest cannot by his perverse intention prevent the Eucharist which he consecrates being a sacrament and also a sacrifice."² Whether the priest will it or no, the Eucharist, which he validly consecrates, *must* be a sacrifice; and, similarly, when a Bishop validly ordains a Christian presbyter, that presbyter must be a sacrificing priest, even though the Bishop should *per impossibile* prepare for the ordination by publicly repudiating the idea that he is

¹ Cf. *Revue Anglo-Romaine*, tom. i. pp. 535, 536.

² Franzelin, *Tractat. de Sacramentis in genere*, thes. xvii. p. 227, edit. 1873: "Qui vult consecrare Eucharistiam, simulque habeat intentionem expressam ut Eucharistia a se consecrata non sit sacramentum, vel ut per consecrationem, quam supponitur velle, non fiat sacrificium, hac sua perversa intentione nec rationem sacramenti, nec sacrificii impedit."

going to make those whom he ordains to be sacrificing priests. It is Christ our Lord who has made the presbyters of His Church to be sacrificing priests in the scriptural and patristic sense of that expression, and He has not granted to Bishops, who seriously use the Ordination Service, the power of nullifying His institution by some private intention of their own.

It follows from all this, that if Romanist proselytizers attempt to puzzle and distress faithful members of the Church by talking about Bishops who have had an insufficient intention when they ordained, such arguments need cause no one any trouble or alarm. There can be no doubt that every English Bishop, when he ordains, intends to do that thing, whatever it is, which the Church of England means by ordination, and if the ordaining Bishop intends as much as that, his intention is entirely sufficient. Because the English Church undoubtedly intends to continue the mediaeval priesthood, and to ordain priests who shall be capable of offering the Eucharistic sacrifice, in the sense in which our Lord means His priests to offer that sacrifice. That is enough and more than enough. Those who try to inject doubts into our people's minds about the validity of our ordinations by the use of arguments such as those which I have been refuting, burden themselves with a very terrible responsibility. First of all, they are fighting against the Holy Church of God in this land. Secondly, they are using arguments, which, if there were anything in them, could be used to throw a universal fog of doubt over all ordinations in every branch of the Church. Thirdly, they are either consciously using arguments which have been refuted over and over again by their own theologians, in which case they are bound as honest men to warn those whom they are trying to pervert that such is the case, or, if they are not aware of that fact, they are venturing to discuss sacred and mysterious subjects in a state of crass and most culpable ignorance. I trust that I have now made it clear that the attempt to throw

doubt on the validity of the ordinations of the English Church, on account of a supposed defect of intention, breaks down, whether we consider the intention of the English Church in her corporate capacity, or the intention of her individual Bishops. In the earlier part of this paper I have shown that our Prayer-book form of ordination is entirely adequate, whether we consider it as it was worded in the reign of Edward VI, or as it has been worded since the last revision. Thus it appears that the whole argument of the recent Bull against the validity of the orders of the Church of England fails. In fact, the Bull, by its careful avoidance of any allusion to the old cavils about Bishop Barlow's supposed lack of consecration, and by the extraordinary feebleness of its arguments on the subject of form and intention, has provided *ex abundantia* a fresh confirmation of the absolute security of our position in this matter. *Deo gratias. Amen.*

APPENDIX A (see above, p. 123).

I place in this Appendix some further remarks about the ceremony of the porrection of the instruments, which will illustrate and confirm an observation which occurs on p. 123, and which runs as follows :

“The change was never made by any Oecumenical Council, nor did the Popes attempt to force it, either on the whole Church or even on the whole West.”

Morinus, in the first part of his treatise “*De Sacris Ordinationibus*,” has shown at length how that, from the time when the great schism between East and West arose to his own time, the ordinations of the Eastern Church were approved and defended against the calumnies of adversaries by the Western General Councils and by the Popes. As the Easterns never had the ceremony of the porrection of the instruments, it becomes evident that neither the Councils nor the Popes ever

attempted to force that ceremony on the whole Church. At the Council of Florence the East was received into communion with the West without any suggestion being made that the ordinations of the Easterns were invalid because there had been no porrection of the instruments. But neither was any attempt made by any general legislation to force the porrection of the instruments on the West. Pope Eugenius's "Decretum ad Armenos" was addressed not to the West but to the Armenians, and its purpose was to instruct the Armenians in the doctrines and practices of the Roman Church. It left other Churches, whether in the East or West, as free as they were before to follow their own rites. Nobody supposes that that Decree in any way changed the situation in the Orthodox East, and neither is there any reason for saying that it changed the situation in the West. The local Churches of the West were as free as they were before either to adopt or to refuse to adopt the ceremony of the porrection of the instruments. Nor was this liberty of the Western Churches curtailed during the pre-Reformation period by any other legislation emanating from Rome.

PART V

THE SPIRITUAL JURISDICTION OF BISHOPS IN THE CHURCH AT LARGE AND IN THE CHURCH OF ENGLAND

I

THE great divines of the English Church have been accustomed to distinguish between *jurisdiction* and *order*. Thus Archbishop Bramhall says: "There is a double power ecclesiastical, of order and jurisdiction; which two are so different the one from the other . . . that there may be true Orders without any ecclesiastical jurisdiction, and an actual jurisdiction without Holy Orders."¹ And again, writing against the Puritans, he says: "All the schools have tied two keys to the Church's girdle, the key of order and the key of jurisdiction, and I do not mean to rob my Mother of one of her keys."² This distinction between jurisdiction and order is admitted also by the divines of the Roman communion, whether they belong to the Gallican school or to the Ultramontane; and in fact some of them have made use of this distinction in order to construct a fresh argument against the Catholicity of the English Church, an argument which may be formulated thus: Even though we should grant that you possess valid orders, yet we utterly deny that you have any true ecclesiastical jurisdiction, and without jurisdiction you have no right to exercise your orders, and if you do exercise them you sin, and the sacraments which you administer are in some cases invalid, and even, when

¹ Bramhall, *Protestants' Ordination defended*, sec. 6, *Works*, v. 230, edit. Haddan.

² Bramhall, *Schism Guarded*, chap. ix., *Works*, ii. 454.

they are not invalid, they are almost always so vitiated as to be unable to convey sanctifying grace to those who receive them. It is to be feared that assertions of this sort have not infrequently disquieted the minds of good people, who from lack of knowledge have been unable to defend the cause of the English Church. It seems therefore desirable to spend some little time in clearing up this question of jurisdiction; and first of all let us try to get a distinct idea of what is meant by the term "jurisdiction," as it is used in this controversy.

When we say that such and such a person possesses ecclesiastical or spiritual jurisdiction, we mean that that person has authority to govern in accordance with the law of the Church those who by that law have been subjected to him; the authority spoken of being of such a kind that it is enforced by spiritual and not by temporal punishments, and that it has for its primary objects the salvation of souls and the spiritual well-being of the Church.

For the sake of brevity and clearness nothing will be said here of the exercise of jurisdiction by priests and deacons. We confine ourselves to the case of Bishops; and in regard to the jurisdiction of Bishops, as defined above, two questions seem very specially to demand an answer:

First—Who are the persons, who are subjected by the law of the Church to this or that Bishop?

And secondly—How and when does the Bishop receive his power of jurisdiction?

(1) In order to answer the first question, let us go back to the foundation of the Church. The Apostles received a commission to go into all the world, and to gather into the Church those who should accept and believe their message, and to govern and feed them when they should have been gathered in (see St. Matt. xxviii. 18-20; St. Mark xvi. 15, 16; St. John xxi. 15-17; Acts i. 8; St. Matt. xviii. 18; St. John xx. 21-23). Thus the Apostles collectively and individually received a world-

wide mission to preach to all nations ; and they received also an oecumenical jurisdiction over the Church and its members. In the original commission there was no assignment of separate spheres of jurisdiction to particular Apostles. All and each received authority to rule the whole flock. But after the work of evangelization had begun, the Apostles, acting undoubtedly under the guidance of the Holy Spirit, in order to avoid confusion, limited themselves. To St. James was assigned the Mother-Church of Jerusalem.¹ Outside that Church St. Paul and St. Barnabas were to "go unto the Gentiles"; St. Peter and St. John "unto the circumcision." St. Paul laid down² a further rule for himself : he made it his aim "so to preach the gospel, not where Christ was already named, that he might not build upon another man's foundation."³ Undoubtedly St. Paul possessed an oecumenical jurisdiction, but he normally restrained himself in his exercise of it to the churches which he had himself founded and to the "province which God had apportioned to him."⁴

But the commission which our Lord gave to the Apostles by its very terms implied that they would have successors. Our Lord had said : "All authority hath been given unto Me in heaven and on earth. Go ye therefore, and make disciples of all the nations, baptizing them into the name of the Father and of the Son and of the Holy Ghost : teaching them to observe all things whatsoever I commanded you : and lo *I am with you alway, even unto the end of the world.*"⁵ Our Lord promises to be with the Apostles in the fulfilment of their commission unto the end of the world. This implies that, though the Apostles were themselves to die long

¹ Acts xii. 17 ; xxi. 18.

² Gal. ii. 9.

³ Rom. xv. 20 ; compare also 2 Cor. x. 13, 16. Of course, if St. Paul refrained from preaching to the unconverted Jews or heathen in places where other Apostles or Apostolic men had founded a Church, we may be sure *a fortiori* that he refrained from ordinarily interfering with the government of Churches founded by others.

⁴ 2 Cor. x. 13.

⁵ St. Matt. xxviii. 18-20.

before the end of the world, their office and the commission, which was attached to their office, were to continue until our Lord's return in glory.¹ And so the event proved. The Apostles before they died consecrated others to succeed them, who shared with them their oecumenical jurisdiction, but who also were normally limited in the exercise of that jurisdiction to some special region, so that they might not clash with others who had received the same commission as themselves. Thus Timothy had jurisdiction at Ephesus, and Titus in Crete²; and St. Peter and St. Paul "committed the ministry of the episcopate [at Rome] to Linus"³; and St. Polycarp "was constituted by the Apostles Bishop in the Church in Smyrna"; and the seven Churches of Asia in St. John's time had each their own "angel" recognized by our Lord as being responsible for the spiritual condition of the Church over which he presided⁴; and St. Irenaeus, speaking generally, says: "we are in a position to reckon up those who were by the Apostles instituted Bishops of the churches."⁵ As the work of evangelization progressed the number of bishoprics was very largely increased, and the area of each was correspondingly diminished. But it is most important to remember that the jurisdiction possessed by each Bishop, though it was normally exercised within the limits of his diocese, in itself transcended those limits. Any Bishop might without let or hindrance send missions into the unevangelized regions of heathenism; and, even within the circuit of Christendom, when proper occasions arose, Bishops might perform acts of jurisdiction in dioceses

¹ M. Godet, the illustrious Presbyterian commentator of Neuchâtel, commenting on St. Luke xii. 41-48, says: "This saying seems to assume that the Apostolate will be perpetuated till the return of Christ" (*Commentary on St. Luke*, ii. 108, English transl.).

² See the Pastoral Epistles, *passim*.

³ St. Irenaeus *contra omnes Haereses*, iii. iii. 3; compare Bishop Lightfoot's *St. Clement of Rome*, i. 68, 340, edit. 1890. St. Irenaeus, iii. iii. 4; cf. Tertull. *de Praescript. Haeret.*, cap. xxxii.

⁴ Rev. ii., iii.

⁵ St. Irenaeus, iii. iii. 1.

which were not their own.¹ The Church has made many disciplinary laws regulating this right of extra-diocesan intervention, but the right itself remains and is one of the fundamental prerogatives of the Apostolic episcopate. Thus, when a see becomes vacant, the neighbouring Bishops have the right of consecrating a successor, or of sanctioning and effecting the translation of one who has been previously consecrated to another see. If a Bishop is convicted of heresy or crime, his brethren have the right and duty of deposing him. Bishops sitting in synod may legislate for the churches of the province or of the nation or of the patriarchate, or it may be for the whole Church. Moreover, cases of extreme necessity sometimes arise, when the Church's by-laws of order have to give way, and Bishops have the right and duty of exercising their oecumenical jurisdiction in abnormal ways. The restraining laws of the Church are intended to ward off confusion, but it is presupposed that they will be interpreted and applied so as to make for edification and not for destruction.

Thus we see that the jurisdiction possessed and exercised by the Bishops, the successors of the Apostles, is substantially the same jurisdiction as that which was possessed by the Apostles themselves.² In both cases it was and is an oecumenical jurisdiction normally restrained as to its exercise within a limited sphere; this restraint being brought about either by the will of the Apostles themselves or by the disciplinary laws of the Church; and its object being to secure that authorities, which, so far as the divine law is concerned, are co-equal and co-ordinate, shall not interfere with each other.

¹ Van Espen has given many instances of the extra-diocesan action of Bishops in his *Dissertatio de Misero Statu Eccl. Ultraject.*, cap. v. (*Supplem. ad Collectt. Opp.*, pp. 404-407, edit. Colon. Agripp., 1777). Compare also Bingham (*Antiquities*, book ii. chap. v., *Works*, i. 105-110, edit. 1843).

² There are of course many Apostolic prerogatives which are not shared by the Apostles' successors. The Apostles were the founders and foundations of the Church; they were the inspired channels of revelation; they had heard and seen and handled the Incarnate Word. The identification, on which stress is laid in the text, has reference simply to jurisdiction.

The preceding explanation will, it may be hoped, enable those, who have followed it, to give a clear answer to the first of the two questions propounded above.

But before passing on to the second question, it may be well to illustrate and corroborate what has been laid down by quoting a few passages from the Fathers and from later theologians. St. Irenaeus speaks of those "who have the succession from the Apostles" and "who with the succession of the episcopate have received the certain gift of truth."¹ St. Cyprian (Ep. xlv. sec. 3, *Opp.*, i. 602, edit. Hartel) writing to his brother-Bishop, Pope Cornelius of Rome, speaks of "the unity delivered by the Lord and through His Apostles to us their successors." St. Jerome says: "Neither the command of wealth nor the lowliness of poverty makes a bishop higher or lower. But *all are successors of the Apostles.*"² These passages and many others like them show that in the early Church the Bishops were understood to have succeeded to the office originally held by the Apostles. Moreover, the Catholic teaching was that each Bishop enjoyed not only Apostolic authority in relation to his own diocese but also in relation to the Church at large. Thus Clarus, Bishop of Mascula in Numidia, at the Council of Carthage in the year 256, said: "our Lord JESUS Christ sent His Apostles, and entrusted to them alone the power given to Himself by His Father, and to them we [the bishops] have succeeded governing the Lord's Church with the same power."³ St. Cyprian himself has accurately summed up the principle in a celebrated formula, which hardly admits of being literally translated, but of which the sense may be thus expressed: "The episcopate is one; and a share of it is held by each in such wise, as that all are severally joint-tenants of the whole."⁴ St. Chrysostom, speaking of Eustathius of Antioch, said: "He had been well taught by the grace

¹ S. Irenaeus, iv. xxvi. 2.

² S. Hieron. Ep. cxlvi, ad *Evangelum*.

³ *Opp.* S. Cypriani, i. 459, edit. Hartel.

⁴ "Episcopatus unus est, cujus a singulis in solidum pars tenetur" (*De Cathol. Eccl. Unit.*, sec. 5, *Opp.* S. Cypriani, i. 214, edit. Hartel).

of the Spirit that a ruler of the Church ought not only to be solicitous on behalf of that church which had been committed to him by the Spirit, but also on behalf of every church established throughout the world.”¹ St. Chrysostom makes this observation in order to explain why St. Eustathius did not limit his care to Antioch, but sent persons into all parts to teach and exhort and dispute and act as barriers to the inroad of the enemies. To come to later times : I will quote Tostatus, Bishop of Avila, in Spain, who died in 1455, and who, as the Jesuit Possevinus mentions, was called “*stupor mundi*” in consequence of his “most vast erudition.” Tostatus says :

“The truth is that both the power of Order and the power of Jurisdiction are given immediately by Christ, as is most plainly evident by many places of Scripture, and by the doings of the Apostles, and by the sayings of the holy Doctors. Yet the Church, in order to take away disturbance and confusion, has limited this jurisdiction by distinguishing the subjects [of one bishop from the subjects of another], and by the erection of separate dioceses. And because this is just, the Church had the power of doing it, and she maintains it. So when the Ordainer, or the Church, or any Prelate whatsoever gives to any ordained person either contentious jurisdiction or jurisdiction *in foro conscientiae*, what really takes place is that such an one takes away the prohibition by which through the operation of the law of the Church the hands of the ordained person had been bound, although that jurisdiction accrued to him along with the gift of order ; and now the Ordainer or other Prelate does not untie his hands completely, but only in regard to that part of the matter, or in regard to those particular subjects, which the Church or the Prelate assigns to him.”²

The doctrine of Tostatus was vigorously maintained at the Council of Trent by many of the Bishops, who wished to have it explicitly defined as the doctrine of the Roman communion, but through the influence of the Roman Court the matter was dropped. The passage, which I have quoted from him, suggests the true answer to the

¹ St. Chrysost. *Hom. in St. Eustath.*, sec. 3, *Opp.*, ii. 607, edit. Ben., 1734.

² Tostatus, *Secunda Pars Defensorü*, cap. lxiii. ; *Opp.* edit. Venet., 1728, tom. xxv. p. 136.

second of the two questions which we are considering, namely: "How and when does the Bishop receive his power of jurisdiction?"

(2) Undoubtedly the power of jurisdiction is given along with the power of order, when the Bishop is consecrated. It is then that he becomes a successor of the Apostles, and consequently a sharer in the world-wide mission committed to them, and in the oecumenical jurisdiction which they received from our Lord. And just as in baptism it is our Lord who is the real baptizer, and in absolution it is our Lord who is the real absolver, so in episcopal consecration it is our Lord Himself who imparts not only the power of order, but also that of jurisdiction. No doubt by the by-laws of the Church the Bishop is ordinarily only allowed to exercise his jurisdiction in places where there are no other Bishops established. Except when he is acting as a member of a synod, he is ordinarily limited in the exercise of his jurisdiction to his own diocese, or to the regions of heathendom outside of all dioceses. If therefore the Bishop is to exercise his jurisdiction in any diocese in a normal way, he needs something more than simple consecration. He needs to be *canonically consecrated to the episcopal see of the diocese*; or if he has been previously consecrated, he needs to be canonically translated to that see. But in this complex process it is through the consecration that the Bishop receives his jurisdiction. By the canonical collation to the see the Church removes the restrictions which she herself had put upon the exercise of the oecumenical jurisdiction which by consecration the Bishop is receiving or has received: the Church, I say, removes those restrictions so far as to enable the Bishop to exercise his jurisdiction in all canonical ways within the limits of the diocese which is being assigned to him. Thus the whole jurisdiction comes directly from Christ through the operation of the Holy Ghost at the consecration. The Church in the act of collation does not give jurisdiction, but removes obstacles to its exercise, which her

own laws have created. This removal of obstacles to the exercise of jurisdiction within the area of this or that diocese is sometimes called by the schoolmen "*the application of the matter.*"¹ The famous Jesuit divine, Vasquez, states the truth on this subject very well and clearly. He says :

"In any jurisdiction over any person there are two things to be considered : one is the active power itself of jurisdiction (*ipsa potestas activa jus dicendi*), the other is the application of the matter, and of the subject, on whom this active power can pronounce sentence. The first of these belongs to bishops by divine right by reason of their ordination, since indeed Christ also promised to them the keys of the kingdom of heaven for loosing and binding (St. Matt. xviii. 18), by which terms He meant to speak of the keys for excommunicating and for absolving from excommunication, as we shall prove in the fourth volume ; moreover by ordination itself they become pastors and therefore judges."²

And again in another passage Vasquez says :

"I say that bishops have received all power of pronouncing judgment (*jus dicendi*), which is called active jurisdiction and as it were radical jurisdiction, not from the Pope, but immediately from Christ ; and so from the very fact that they have been constituted bishops, they have received *jure divino* the power of making laws."³

According to Vasquez' opinion the "*application of the matter,*" that is the removal of canonical obstacles to the exercise of jurisdiction in this or that diocese, belonged to the Pope. This was no doubt a grievous mistake, though not surprising in a Spanish Jesuit of the seventeenth century. But his witness to the fact that Bishops receive the active power of jurisdiction immediately from Christ at their consecration is very valuable.

¹ In this expression the word "matter" appears to mean the diocese or sphere of jurisdiction, which in scholastic language had to be "applied" to the power of jurisdiction existing in the Bishop.

² Vasquez, *Commentar. ac Disputat. in 3m partem S. Thomae*, disp. cexl. cap. iv. n. 41, tom. iii. p. 736, edit. Antverp., 1614.

³ Vasquez, *Commentar. et Disputat. in 1m 2dae S. Thomae*, disp. clii. cap. iii. n. 28, tom. ii. p. 48, edit. Ingolstad., 1612.

But at this point a third question may suggest itself to the minds of some. It may be asked: How are dioceses created and defined? and again: How does a Bishop become the canonical pastor of this or that diocese after it has been created and defined? The Ultramontane answers to these questions are clearly stated by Vasquez. He says: "To the Pontiff is committed the application of the matter, nay more, its very creation; and the division of the dioceses and of parishes is entirely in his power; and so he alone can create and apply the legitimate matter."¹ No objection could be taken to this statement, if Vasquez merely intended to describe the actual discipline in Spain in his own age; but to understand his words in that sense would be to restrict them very unduly. He is evidently speaking of what he supposes to be an inherent right of the Pope everywhere and at all times. In fact the more common Ultramontane theory goes very much further than the opinion of Vasquez, and attributes to the Pope not only the erection of the sees and the collation of Bishops to their sees, but it makes him the sole fount of jurisdiction,² an opinion which, as we have seen, the more judicious Vasquez repudiates. As a matter of fact, when a missionary Bishop legitimately exercising his oecumenical jurisdiction in a heathen land, beyond the limits of any settled diocese, gathers into the fold of the Church souls, who by his ministry have been converted to our Lord, he becomes in full right their pastor and Bishop, and a new Bishopric is thus created. If in process of time the work of evangelization progresses, so that it becomes necessary to define the limits of the new diocese, to prevent confusion, and to guard against any clashing of

¹ *Op. cit.*, tom. ii. p. 48.

² Bossuet (*Def. Decl. Cler. Gall.*, lib. viii. cap. xi., *Œuvres*, xxxii. 600, 601, edit. Versailles, 1817), speaking of the theory that Bishops derive their jurisdiction from the Pope, says: "This fiction assuredly falls to the ground of itself because, having never been heard of in the early centuries, it began to be imported into theology in the thirteenth century, that is to say after people had begun to prefer to act on philosophical reasonings, and those very bad ones, instead of consulting the Fathers."

diocesan authorities, the right of defining the limits belongs to the episcopal college. Normally the work of definition would be undertaken by the Bishops of the neighbouring dioceses, assembled in provincial synod. Occasionally special complications might make the action of a larger synod desirable. Similarly it regularly belongs to the neighbouring Bishops, acting either synodically or through their Metropolitan, to divide old dioceses, and to create new ones within the settled area of Christendom. Thus Bede tells us that "by synodal decree"¹ it was determined that the province of the South Saxons, *i.e.* Sussex, which hitherto had belonged to the diocese of Winchester, should have an episcopal see with its own Bishop. Accordingly, about the year 711 the see of Selsey, subsequently removed to Chichester, was erected.

Moreover, as it was with the creation of the matter, to use the language of the schoolmen, so it was with its application. It belonged to the provincial episcopate and very specially to the Metropolitan to determine finally whether, when the clergy and laity of a vacant diocese, or in later times the cathedral chapter, had chosen someone to be their Bishop, he should be collated to the see. The sentence of the Metropolitan and his comprovincials in this matter was called, when it was favourable, the confirmation of the election. Even in the case of the election of a Metropolitan, the right of confirming the choice of the diocese lay with the Bishops of the province; unless indeed the province formed part of a patriarchate, in which by law or immemorial custom the confirmation of Metropolitans had been reserved to the Patriarch. In England the Bishops of the province of Canterbury normally confirmed the election of their Archbishop until about the year 1200. At that time the Popes began to meddle with the appointment of the Archbishop, and in the course of the fourteenth century they went further and usurped the right of directly appointing the Suffragan Bishops as well as Archbishops by Bulls of Provision.

¹ *H.E.* v. 18.

It is clear, therefore, that Vasquez is wrong when he says that the creation and application of the matter is reserved to the Roman pontiff. The Pope has no such right inherent in him. Normally the Bishops of the province have the right of erecting new sees within the borders of their province. They have also the right of confirming and collating those who have been elected to bishoprics. A Bishop therefore receives his jurisdiction from our Lord, when he is consecrated; and he acquires the right to exercise his jurisdiction within the limits of his diocese by the action of the provincial episcopate, when they either consecrate him *to his see*, or translate him thither.¹

I have described the regular method of procedure. It might however happen that at some particular time a province might be almost denuded of its Bishops; and those who remained might through remissness be unwilling to fill up the vacant sees, or through some other cause might be hindered therefrom. Under such circumstances it would be the duty of the clergy in charge of the vacant dioceses to implore the Bishops outside the borders of the province to come to their aid and to provide them with Bishops. Ordinarily, for the sake of good order, the provision of Bishops for sees within the province is committed to the Bishops of the province, but this rule is not intended to be kept rigidly, when necessity and the preservation of the churches of the province require that

¹ Ecclesiastical provinces, organized each under its Metropolitan, seem to have come into existence through the voluntary action of the Bishops. The illustrious Bavarian theologian, Möhler, thus describes their origin: "The neighbouring [Christian] communities come together, and their bishops form a united corporation, which creates for itself an organ and a centre in the person of the Metropolitan" (*On the Unity of the Church*, part ii. chap. ii. p. 189, French transl., edit. Bruxelles, 1839). The Council of Nicaea ratified and regulated the institution. It need hardly be said that there is no trace in the Nicene canons of the notion that Metropolitans receive their metropolitan jurisdiction from the Pope, either by means of the pall or in any other way. The pall was in the time of St. Gregory the Great a mark of honour which the Pope gave to some Western Metropolitans and also to some ordinary Bishops, but which had nothing to do with the conveyance of jurisdiction. The Pope himself seems to have originally received this mark of honour from the Emperor (*cf. Duchesne, Origines du Culte Chrétien*, p. 370).

it should be infringed. The fact that a state of things has arisen, in which the intervention of Bishops outside the province has become necessary, lets loose their oecumenical jurisdiction, which is ordinarily tied up by the Church's laws. It was on this principle that the Council of Sardica decreed in its seventh canon as follows :

“ If it should happen that in a province, in which there had been many bishops, perhaps only one bishop remains, and he neglects to ordain a bishop, and the people send for aid, the bishops of the neighbouring province ought first to address that bishop who remains in the province, and to show him that the people are demanding a ruler for themselves, and that this demand is just, so that they themselves may come and with him ordain a bishop ; but if, after having been addressed by letter, that bishop is silent and dissimulates and returns no answer, satisfaction must be given to the people so that the bishops should come from the neighbouring province and ordain a bishop.”¹

In such a case Bishops who do not belong to the province have full jurisdiction to act ; or in other words, the restraining laws give way before the necessity, and the extern Bishops are free to exercise their oecumenical jurisdiction.²

For fuller elucidations of the whole subject of episcopal jurisdiction the reader may be referred to Van Espen's “ *Dissertatio de Misero Statu Ecclesiae Ultrajectinae* ” (“ *Supplement. ad Collectt. Opp.*, ” edit. Bruxelles, 1768, pars iv.^{ta} sect. v. capp. iii., iv., et v. pp. 407-415), to his “ *Vindiciae Resolutionis Doctorum Lovaniensium* ” *Disquis. ii. §vii.* (*Suppl.*, pp. 534-540), to his “ *Jus Eccl. Univ.*, ” pars 1 a tit. xvi. capp. i., iii., and to the notes on the same chapters, in his “ *Supplem. in Jus Eccl. Univ.* ” ; also to De la Blandinière's “ *Conférences Ecclésiastiques sur la Hiérarchie*, ” tom. i., a good book written for the most part as a reply to the depreciation of

¹ Hefele, *Councils*, ii. 129, 130, Eng. Transl.

² Van Espen says very truly : “ The jurisdiction of the bishops is circumscribed within certain limits for the greater commodity of the Church : but where this end ceases, and it is rather for the advantage of the Church that a bishop should go beyond the boundaries of his jurisdiction, he can freely do so ” (*cf.* Van Espen, *de Misero Statu Eccl. Ultraject.*, cap. v.).

the prerogatives of Bishops, which was characteristic of some of the later French Jansenists; also to J. W. Lea's two articles on "Jurisdiction" in the *Union Review* for 1866, and to the preface to his "Succession of Spiritual Jurisdiction in England"; also to Sir W. Palmer's "Apostolical Jurisdiction and Succession of the Episcopacy in the British Churches vindicated."

II

Having considered the teaching of the Church in regard to episcopal jurisdiction in general, we are now to apply the principles, which have been laid down, to the case of the Bishops of the Church of England during the last three centuries and a half.

In dealing with this subject I shall assume that the Church of England is in possession of valid orders, and that the faith which she publicly professes is Catholic and orthodox. A national Church, which should have permanently lost the χάρισμα of a valid episcopate, or which should have been definitely cut off in a canonical way from communion with the rest of the Church in consequence of its having committed itself by some authoritative act to the profession of heresy, would certainly have to be regarded as a body without true spiritual jurisdiction, or at least as having lost the power of exercising such jurisdiction in a legitimate and canonical way. But the discussion of these preliminary questions must be sought for elsewhere.¹ What I propose to do is

¹ In regard to the question of the validity of our ordinations, reference may be made to the *De Hierarchiâ Anglicanâ* of Messrs Denny and Lacey with Mr. Lacey's *Supplementum*, to Bishop Wordsworth of Salisbury's *De Successione Episcoporum in Ecclesiâ Anglicanâ*, and to the same prelate's *De Validitate Ordinum Anglicanorum*, to the Church Historical Society's leaflet entitled *Has the English Church preserved the Episcopal Succession?* (S.P.C.K.), to *Les Ordinations Anglicanes* by Fernand Dalbus, and to the Abbé Duchesne's review of the same in the *Bulletin Critique* for July 15, 1894; finally to Had-dan's *Apostolical Succession in the Church of England*. See also part iv. of this volume, pp. 106-141, above. For replies to Roman Catholic arguments attacking the orthodoxy of the Church of England one may refer to parts i. and iii. of Dr. Pusey's *Eirenicon*, to Bishop Forbes of Brechin's *Explanation of the Thirty-nine Articles*, and to Sir W. Palmer's *Treatise on the Church of Christ*.

to consider whether there is reason to suppose that anything was done in connexion with the filling of the English sees in the reign of Elizabeth, which in any way vitiated the right of the Bishops of the English Church to exercise canonically the jurisdiction, which they received from our Lord, when they were consecrated. I propose to refer particularly to what was done in the reign of Elizabeth, because it was in that reign that the last breach between the Churches of England and Rome took place, and I am not aware that any of those who attack our jurisdiction base their arguments on facts belonging to a later date.

But in order that we may be in a position to estimate aright what took place under Elizabeth, it will be desirable to give a short historical account of the different ways of appointing and instituting Bishops, which have at various times, before the reign of Elizabeth, been followed in England.

During the period which preceded the Norman Conquest, the Church of the diocese, the episcopate of the province, headed by the Metropolitan and the civil power, all claimed to have a voice in the filling up of a vacant see. Bishop Stubbs, speaking of those ages, says: "The election by the clergy was the rule in quiet times and for the less important sees; the nomination by the King in the witenagemot was frequent in the case of the archiepiscopal and greater sees."¹ The Bishop adds that "the consent of the national assembly to the admission of a new member to their body" was "in all cases implied, on behalf of the most important element in it, by the act of consecration performed by the comprovincial Bishops."

¹ Stubbs' *Constitutional History of England*, vol. i. p. 135, edit. 1874. In his *Select Charters* (pp. 136, 137, edit. 1876) Bishop Stubbs puts the matter somewhat differently; he says: "Generally the Anglo-Saxon bishops were appointed by the king and witan, but there are traces, from the date of Theodore to the Conquest, of free elections occasionally allowed, and constantly claimed."

Freeman (*Norman Conquest*, 3rd edit., vol. ii. p. 67), speaking of the latter portion of the pre-Norman period, says: "It is clear that the official document which gave the Bishop-elect a claim to consecration was a royal writ."

It must, however, be remembered that, whereas the see of Canterbury was vacated thirteen times during the 152 years which immediately preceded the Conquest, in every case except one¹ the vacant see was filled by translation and not by consecration. It does not appear that in any of these twelve cases of translation the nomination of the King in the witan, or the election by the King and the witan, was confirmed by any formal act of the provincial episcopate.² Certainly in regard to one of these cases, the translation of Robert of Jumièges from London to Canterbury in 1051, which was effected by St. Edward the Confessor, it was so contrary to the feeling of the whole English Church, that it is impossible to suppose that the Bishops of the province as such had any share in the transaction.³ One of St. Edward's biographers tells us that "the sons of the whole Church protested with all their power against the wrong."⁴ Nevertheless Robert became Archbishop of Canterbury, and was recognized in that capacity by Leo IX, who at his request bestowed on him the gift of the pall. On a general survey of the whole pre-Norman period, it seems clear that, when once the English Church had passed out of its missionary stage, the Popes made no claim to meddle with appointments to English bishoprics, whether metropolitan or suffragan. Only in the latest portion of this period, during the reign of Edward the Confessor, when numbers of foreign ecclesiastics, both Norman and Lotharingian, had

¹ In 1020 Ethelnoth was consecrated to Canterbury by Wulfstan II of York in obedience to the command of King Canute (see Lingard's *History and Antiquities of the Anglo-Saxon Church*, vol. i. p. 94).

² This absence of formal confirmation by the provincial episcopate in the case of translations must be looked on as an abuse in the discipline of our Church which prevailed during the century and a half immediately preceding the Norman Conquest. However, in the majority of cases we may reasonably suppose that the Bishops, who were members of the witan, gave their assent to the King's proposals. Did not the provincial Bishops enthrone the Archbishop?

³ William of Malmesbury (*Gest. Pont.*, 34) says: "Rex Robertum, quem ex monacho Gemmeticensi Londoniae fecerat episcopum, archiepiscopum creavit." The creation took place at a witenagemot.

⁴ *Vit. Edw. Conf.*, p. 400, edit. Luard.

swarmed into the kingdom, bringing with them the new reforming notions of ecclesiastical discipline, partly good and partly bad, which were spreading on the Continent,—it is only then, I say, that we begin to hear of two or three Bishops going to Italy from England to get consecration from the Pope.¹ However, even in these exceptional cases the *appointment* to the bishopric had taken place in England.

The Norman Conquest made no difference in the mode of appointing to English bishoprics, except that the influence and action of the Pope were, if possible, more completely excluded than before. The appointments were made by the King at a meeting of his Council, a body to which the Bishops and magnates of the kingdom were summoned. It is true that the struggle between Henry I and St. Anselm on the question of investiture terminated in a compromise, which placed the election in the hands of the cathedral chapters, but practically this compromise produced at the time very little effect, and in the great majority of cases vacant sees continued to be filled by royal nomination until Henry's death in 1135. Stephen confirmed to the chapters the right of canonical election, and from that time onward both Church and State in England have recognized the

¹ So Ulf of Dorchester went to Vercellae in 1050, and Giso of Wells and Walter of Hereford to Rome in 1061. It is right also to mention that Robert of Jumièges, after he had become Archbishop of Canterbury in 1051, refused to consecrate Spearhafoc, who had been nominated by the King to the see of London; and the Archbishop justified his refusal on the ground that, when he went to Rome to get the pall, he had been commanded by the Pope to refuse to consecrate Spearhafoc. It will be observed that all these papal interferences with appointments to English bishoprics took place within the space of eleven years. Those eleven years form an exceptional interlude in the pre-Norman history of our Church. Between 669 and 1050 there were consecrated in England 376 Bishops, but during the whole of that period there was not one single case in which the Pope had any share either in the appointment or in the consecration. It has indeed been asserted that Archbishop Plegmund of Canterbury was consecrated in 891 by Pope Formosus. If that were really so, Plegmund's case would be the exception that proves the rule. But the truth of the matter is that Plegmund went to Rome, not to be consecrated, but to receive the pall; see Bishop Stubbs's Preface to the second volume of his edition of William of Malmesbury's *Gesta Regum* (p. lvii).

method of capitular election as the legitimate way of choosing a Bishop to fill a vacant see. Of course before the election could take effect it needed to be confirmed by the Metropolitan, and the King claimed that the Metropolitan should confirm no election which had not first been ratified by himself. I have already stated that in the case of the see of Canterbury the Bishops of the province not only claimed to confirm the election made by the chapter, but they also asserted for themselves a right of concurrent election.¹

The main point for us to notice is that in all these complicated arrangements no place was reserved for the Pope. The Archbishops no doubt had to apply to Rome for their pall, but this application did not take place until they had been elected and confirmed, and had been either consecrated or translated to their see. St. Anselm, in a letter addressed to Thomas II, Archbishop-elect of York, writes as follows :

“ In regard to what you say in your letter that you are trying to get money in order that you may send to Rome for the pall which belongs to your church, I do not approve of the plan ; and I think that you will fail, for no one ought to have the pall before he has been consecrated.”²

Neither before the Conquest nor for nearly a hundred years after it did the English Church recognize in the Pope any right to meddle with the appointment of her Bishops. Nevertheless, little by little, first on one pretext and then on another, the Popes managed to secure to themselves an ever-increasing share in these appoint-

¹ See above, on p. 152. On December 20, 1206, Pope Innocent III decided against the claim of the suffragans of Canterbury to share in the election of their Metropolitan (*cf.* Innocent III *Regest.*, lib. ix. ep. ccv., *P.L.*, ccxv, 1043, 1044). After this decision the Bishops gave in on the main point, but they still claimed that an archiepiscopal election could not be rightly performed unless they were present at it (*cf.* Matt. Par. *Chronica Majora*, s. a. 1228, edit. Luard, vol. iii. p. 157).

² S. Anselmi *Epp.*, lib. iv. ep. 88, *P.L.*, clix, 245 . . . “ Nullus debet habere pallium, antequam sit consecratus.”

ments; and finally, as we shall see, they claimed to reserve to themselves the whole matter, to the exclusion of every other authority. It was under the weak rule of Stephen (1135-1154) that appeals on the subject of the regularity and validity of episcopal elections began to be made to Rome; and, as time went on, they became more and more frequent.¹ Yet even in the worst times of the later Middle Ages the inherent right of the Metropolitan to confirm or quash the elections of his suffragans was never denied.² But the Popes were not content with being mere judges of appeal in disputed cases. They wanted to have a direct share in the appointment. Accordingly they laid down the principle that translations from one see to another could only be effected by their own authority. This was a claim which was just beginning to be put forward when the Forged Decretals were concocted. Yet in a decretal ascribed by the forger to Pope Anteros there occurs a passage about episcopal translations, in which the pseudo-Anteros is made to say: "As the Bishops have the power of regularly ordaining bishops and other priests, so, as often as expediency or necessity shall require it, they also have the power of

¹ The first appeal to Rome that was ever made in connexion with an election to the see of Canterbury was in 1173. Richard of Dover had been elected and accepted by the Bishops and by the chapter; and King Henry II had given his assent. The Archbishop elect had been enthroned, and the Bishops of the province had assembled at Canterbury to consecrate. At the last moment the young King, the eldest son and colleague of Henry II, objected to the election because his assent had not been asked, and appealed to Alexander III. In consequence of this objection and appeal the Archbishop elect thought it prudent to go to Italy, where he got his election confirmed by the Pope, and was consecrated by him at Anagni. This was the first occasion since the consecration of Theodore of Tarsus in 668, when a Pope had taken any part in the appointment of an Archbishop of Canterbury. During the interval between Theodore and Richard thirty-one Archbishops had sat in the chair of St. Augustine.

² In the earlier ages the Metropolitan did not act alone in this matter of confirmation, but in conjunction with his suffragans. If that more primitive custom had been retained, it may be doubted whether appeals to Rome on the subject of episcopal elections would ever have been allowed. The primitive rule was still recognized as binding by St. Anselm (*Epistt.* lib. iii. ep. 126, *P.L.*, clix. 163).

regularly translating and enthroning them.”¹ It will be observed that no allusion is made to any intervention of the Pope. This spurious passage appears in an unchanged form in the collection of canons compiled by Burchard, Bishop of Worms, who died in 1025, and also in the “Decretum” and in the “Panormia” of Ivo of Chartres, who died in 1115. But under Pope Gregory VII and his successors a new school of canonists was growing up in Italy, which set itself to alter the law of the Church in order to exalt the power of the Pope. This result these canonists accomplished by inventing fresh forgeries and by interpolating old ones. Anselm of Lucca, a nephew of Pope Alexander II, was one of the founders of this new school. He compiled his “Collectio Canonica” between 1080 and 1086; and he was followed by Gregory of Pavia, who brought out his “Polycarpus” some time before 1118. These prepared the way for Gratian, whose “Decretum” was published about 1140, and had an enormous influence on the whole Western Church. All these three writers adopt the passage about episcopal translations from the forged decretal of the pseudo-Anteros, but they interpolate it in a very significant way. The interpolated forgery, as it occurs in Gratian, reads as follows :

“As the Bishops have the power of regularly ordaining bishops and other priests, so, as often as expediency or necessity shall require it, they also have the power of regularly translating and enthroning them, *not however without the authority and licence of the holy Roman see.*”²

¹ *Epist. Anteri*, cap. ii., *Decretales Pseudo-Isidorianae*, edit. Hinsch., p. 152. Burchard, *Decret.*, lib. i. cap. 77, *P.L.*, cxi. 569. The rule laid down in the decretal of the pseudo-Anteros should be compared with the 14th of the Apostolical Canons, which in Beveridge’s opinion was confirmed by the fifth Canon of Chalcedon (*cf.* Bevereg. *Codex Canonum Eccl. Prim.*, lib. i. cap. v. sec. vi. vol. i. p. 65, edit. Oxon., 1848).

² “Non tamen sine sacrosanctae Romanae sedis auctoritate et licentiâ” (Gratian. *Decret.*, pars ii. causa vii. qu. i. c. 34, *Corpus Juris Canonici*, edit. Friedberg, i. 579). In the corrected edition of Gratian’s *Decretum* issued at Rome in 1584 by the command of Gregory XIII, the official correctors append

The same interpolation is found in Anselm of Lucca and in the Polycarpus of Gregory. It is also found in a still earlier collection of canons, which has not yet found an editor, and which is entitled "Diversorum Sententiae Patrum." This collection seems to have been drawn up in the Roman Court by someone in the *entourage* of Hildebrand, about the year 1050.¹ It is interesting to notice that this very interpolation was made use of by Pope Paschal II, in order to induce the English Church to accept the new rule that episcopal translations could not be effected without the Pope's permission.² St. Anselm's successor in the see of Canterbury was Ralph of Escures, who had been previously Bishop of Rochester. The Bishops of the province, in the exercise of their undoubted right, translated Ralph from Rochester to Canterbury, and on May 16, 1114, enthroned him in the pontifical chair. After the enthronement, the Bishops, the convent, and the King dispatched letters to Rome, in which they petitioned that the pall might be sent to the new Archbishop. The Pope in his reply to the convent, dated February 18, 1115, objected to Ralph's translation on the ground that it had been done "apart from our knowledge and permission," and because it was well known that such a translation "is altogether forbidden by the decrees of the holy fathers." However, in view of Ralph's merits, Paschal promised to overlook "the

(p. 778) the following note to the extract from pseudo-Anteros: "*Auctoritate hujus sanctae sedis etc. Haec verba non leguntur in epistola Anteri, neque in Pannormiâ, neque apud Burchardum et Ivonem. Sunt tamen apud Anselmum et in Polycarpo et vetustis Gratiani exemplaribus. Idem quoque est de verbis illis prope finem capituli,—'non tamen sine sacrosanctae Romanae sedis auctoritate et licentia': quae propter hanc causam virgulis sunt inclusa.*"

¹ See an article by M. Paul Fournier in the *Mélanges d'Archéologie et d'Histoire* for May 1894. The article is entitled *Le premier manuel canonique de la Réforme du XI^e siècle*. I have had the opportunity of consulting a MS. copy of this collection in the Vatican Archives. The codex is numbered 4160 Vat. The passage from pseudo-Anteros occurs in cap. 188, and is to be found on fol. 27 (al. 33) b, and on fol. 28 (al. 34) a. It contains the interpolated passage,—"*non tamen sine sacrosanctae Romanae sedis auctoritate et licentia.*"

² Paschal. II *Ep.* cdxvii. ; *P.L.*, clxiii. 376.

presumption" of the convent. Six weeks later, on April 1, 1115, the Pope wrote a letter to King Henry I and to the Bishops of England, which has become celebrated.¹ He complains again of the recent translation, and says: "You presume to translate bishops without our authority, a thing the doing of which '*without the authority and licence of the holy Roman see*'² we know to be altogether prohibited." Here the clause which had been interpolated into the decretal of the pseudo-Anserius is quoted word for word, and the Pope bases his whole argument upon it. Thus by the help of a spurious sentence inserted into a forged document did the Pope endeavour to induce the English Church to give up her inherent rights, and to change the discipline which she had received from her saintly founders. No wonder that for nearly fifty years after this letter of Paschal's our Church refrained altogether from episcopal translations. When translations began again in the person of Gilbert Folliott, who was in 1163 translated from Hereford to London, it was thought more prudent to apply beforehand to Alexander III.³ By that time Gratian's book had come out, and had done its evil work, and the Popes with the help of these forgeries had in regard to this particular claim won the day.⁴

Later on in the century, Baldwin, Bishop of Worcester, was elected to Canterbury in 1185; Reginald Fitz Jocelin, Bishop of Bath, was elected to the same great see in 1191; and finally Hubert Walter, Bishop of Sarum, was elected to the same see in 1193. In all these cases application was made to Rome for the Pope's

¹ This second letter was conveyed to England by the legate, who brought from Rome the pall for the new Archbishop.

² "sine sacrosanctae Romanae sedis auctoritate et licentiâ" (Paschal. II *Ep.* cdxxv., *P.L.*, clxiii. 379).

³ Cf. Alexandr. III *Epp.* cxli., cxlii., *P.L.*, cc. 205, 206.

⁴ I do not in any way grudge to the Decretum, so far as it was based upon the genuine canon law of the Church, the meed of high praise; but it remains true that by the immense amount of spurious matter which it contained it did an "evil work."

consent before the translation was effected.¹ It should be observed that the English episcopate had by no synodical act parted with their inherent right to translate without consulting the Pope. But they were deceived by the forgeries incorporated by Gratian into the Decretum, and they supposed that the alleged obligation of consulting the Pope and of obtaining his permission before effecting a translation dated from primitive times, and that a law giving expression to that obligation had been promulgated by Pope Anteros in the first half of the third century. The consequence was that, though the right of translation remained, the Bishops did not exercise it; but rather, when occasion arose, they allowed the chapters to postulate, and the Pope to translate.

Near the beginning of the thirteenth century, possibly during the pontificate of Innocent III, a fresh act in the drama of papal usurpation commenced. The Pope began to claim the right of confirming and consecrating all Metropolitans throughout the West. In a wide sense of the word "*confirmation*," Metropolitans had, long before the time of Innocent III, been *confirmed* by the Pope, when they received the pall. At any rate the theory about the effect of the gift of the pall, which after the time of St. Gregory the Great became dominant at Rome, would justify men in speaking of that gift as in some sort a confirmation of the new Archbishop. But confirmation by the gift of the pall was subsequent to consecration, and was not the true canonical confirmation, to which reference is here made. That true confirmation necessarily precedes consecration, since normally it is the act of those who have the right to consecrate, judicially determining that the election has been canonically conducted, and that the elect is worthy of being made a Bishop. Hitherto Metropolitans had in this sense been confirmed

¹ For the proof of this statement, so far as it is concerned with Baldwin's election, see Lucii III. *Ep.* ccxiii., *P.L.*, cci. 1331; and, so far as it is concerned with the elections of Reginald and Hubert, see Bishop Stubbs' edition of the *Epistolae Cantuarienses*, *Epp.* ccclxxxiii., CDVI., pp. 352, 366.

by their suffragans, who normally had the right of consecrating them. Now, in the case of Metropolitans, the twofold right of confirming and consecrating was, contrary to all law and custom, being usurped by the Pope. The new discipline was not established by the promulgation of any new law. Through the dexterity of the Popes the illegal custom gradually grew up and prevailed. The change of discipline is noted in the "gloss" on Gratian's Decretum. It should here be observed that the gloss on the Decretum is an important authority in Canon law. When in 1584 Gregory XIII published at Rome a corrected edition of the Decretum, he gave orders that the gloss should be published along with the text. Moreover the gloss was held to be of such importance that corrupt readings were deliberately allowed to remain in the text, whenever the substitution of the true reading would have rendered the gloss unintelligible. This gloss was compiled by two distinguished canonists, Joannes Teutonicus, who died in 1243, and Bartholomew of Brescia, who died in 1250. Now in the gloss on the chapter "*Quia igitur*"¹ occurs a discussion of the question whether "the Pope confirms all metropolitans"; and the decision which is given is that "this is true when they have no primate, but are immediately subject to the Pope; . . . unless you like to say that, just because anyone receives the pall from the Pope, we are to understand that he is confirmed by him; but on the contrary most archbishops are confirmed and consecrated by the bishops who are subject to them; and they do not petition the Pope for confirmation, but only, as I have said, for the pall." Again in the gloss on the chapter "*Qui in aliquo*"² we read: "Here you have a proof that a metropolitan is to be consecrated by his suffragans." This conclusion is corroborated by references being given to other passages in the "Corpus juris." Then a difficulty is raised. A reference is given to the chapter

¹ Gratian. *Decret.*, pars i. dist. lxiii. c. ix.

² *Decret.*, pars i. dist. li. c. 5.

Pudenda,¹ in which it is said (so the gloss asserts) that a Metropolitan should be consecrated by the Pope. The author of the gloss solves this difficulty by saying: "The first conclusion [viz., that the suffragans should consecrate] is according to right: yet now the Pope has established by long usage a new custom contrary to that right" ("Primum est de jure: Papa tamen jam praescripsit contra jus illud").

In the thirteenth century the Papal system of canon law was becoming so complicated, and the causes for appeal or for application to Rome were becoming so numerous, that it is not easy to determine when the new custom of Metropolitans being necessarily confirmed by the Pope began to be applied in the case of elections to the see of Canterbury. All the Archbishops of Canterbury during the thirteenth century were on various grounds either confirmed by the Pope or were directly appointed by him²; and we have already seen that the four

¹ *Decret.*, pars ii. causa xxiv. qu. i., c. 33. This chapter seems to be a fragment of a letter written by Pope Pelagius I (*circa* 555) to John the Patrician (*cf.* *P.L.*, lxix. 411), in which the Pope says that on account of the distance which separates Rome from Milan and Aquileia the Metropolitans of these cities by ancient custom consecrate each other. Pelagius was undoubtedly correct in his statement of the fact; whether his mode of accounting for the fact is equally correct may be doubted (*cf.* *De Marca, De Concordia Sacerdot. et Imp.*, lib. vi. cap. iv. secs. vi.-xi.). Assuredly the reason which he gives, whether true or not as an account of the arrangements in North Italy, would be completely untrue if it were applied to Gaul, or to Spain, or to Africa, or to the East. The writer of the gloss is therefore mistaken in supposing that the supporters of the view, that all Metropolitans should be consecrated by the Pope, have any right to cite the chapter *Pudenda*, as if it favoured their contention.

² The first case of direct Papal appointment to the see of Canterbury was that of Richard Grant, who was appointed on January 19, 1229, by Gregory IX. The pretext for this proceeding was that the right of appointing in this case had accrued to the Pope *jure devolutionis*. In the ninth century we find the Gallican Bishops claiming that, whenever they quashed the election of a Bishop on the ground of his being unfit for the episcopal dignity, they had the right to elect a Bishop without waiting for the diocese to elect a second time. In support of this claim they alleged the canons of Nicaea and Laodicea (see Hincmar, *Epp.* xix. and xxxix., *P.L.*, cxxvi. 110, 260, and compare Imbart de la Tour, *Élections Épiscopales dans l'Église de France*, pp. 67-69). Now the Pope claimed to act in a similar way; and having on an appeal quashed the election of Walter of Eynsham to the see of Canterbury, he claimed the appointment for himself, and nominated Richard Grant. Though this was the

elections to Canterbury which occurred during the last thirty years of the twelfth century were similarly confirmed at Rome, one of them in consequence of an appeal, and three because they involved translations. In fact the last Archbishop of Canterbury before the Reformation who was properly and canonically elected, confirmed, and consecrated in England was St. Thomas Becket in 1162.

However, the right of the Metropolitans to confirm the election of their suffragans remained substantially intact during the thirteenth century. No doubt the Pope intervened in the case of appeals and in the case of translations and on other pretexts; but the normal right of the Metropolitans to confirm was recognized. Boniface VIII expressly recognizes it in a bull dated October 31, 1296, and addressed to Walter Langton, Bishop elect of Coventry and Lichfield¹; and it was recognized again, nearly fifty years later, in a bull of Clement VI, addressed to Archbishop Stratford of Canterbury, and dated February 1, 1343.²

But all the former usurpations of the Popes in the matter of appointment to bishoprics were soon to be put in the shade and in fact made unnecessary by the grand new device of reservations and provisions. The Popes

first application of the rule to the see of Canterbury, yet Innocent III. had applied the same rule to the see of Winchester in 1205, when, after quashing the election made by the chapter, concerning which there had been an appeal to his court, he appointed and consecrated to the see Peter des Roches.

¹ In his bull the Pope says that he has heard that Langton's election to the see of Coventry and Lichfield had been "per venerabilem fratrem nostrum archiepiscopum Cantuariensem, metropolitanum tuum, rationaliter confirmata"; and further on he refers to the fact that normally it would be Langton's duty "ab archiepiscopo ipso consecrationis suscipere munus infra certum temporis spatium a canone diffinitum" (*Les Registres de Boniface VIII* par G. Digard, M. Faucon, et A. Thomas, tome i. col. 501).

² The Bull of Clement VI of Feb. 1, 1343, has been copied into Archbishop Arundel's register, which is preserved at Lambeth. It recalls the fact that Archbishop John Stratford had canonically confirmed (*canonice confirmasti*) the election of his nephew, Ralph Stratford, to the see of London. The registrar who copied the bull in the time of Arundel (A.D. 1397-1414) has written in the margin of the register the following note—"Bulla concernens Episcopum Londonensem et nota bene antiquam libertatem Cantuariensis Ecclesie" (*Registr. Arundel*, pars 1^a, fol. 10^b).

began from time to time to "reserve" to themselves the appointment to such and such a see, whenever it should become vacant, and to prohibit the local authorities, such as the chapter or the Metropolitan, from electing or confirming to that see at the next vacancy.¹ Then when the see actually became vacant the Pope would "provide" the see with a pastor in the person of some clerk, whoever he might choose to select. I am not able to say for certain what was the exact date when the plan of reserving and providing first began to be applied to individual bishoprics. In regard to benefices of lower dignity than bishoprics, the reservation of them from time to time dates from the pontificate of Celestine III (1191-1198). However, on August 27, 1265, a forward step was taken. Clement IV authorized a bull to be issued in his name,² in virtue of which he reserved to himself the right of filling all benefices, of whatever kind, which should become vacant during the residence of their incumbents at the Papal court. The term "benefice" includes archbishoprics and bishoprics as well as positions and dignities of less importance, such as prebends and rectories. This is the first instance on record of a general reservation of a whole class of benefices, as distinguished from the special reservations which had prepared the way for it. Moreover a claim was made in the preamble of the bull which was ominous of what was coming later on. The Pope declares that it is well known that the plenary disposal of churches, dignities, and other benefices so belongs to the Roman Pontiff that he can not only bestow them, when they are vacant, but also give a right to them at the next vacancy, while they are still full. By a stroke of his pen the Pope claims for himself and his successors the right to dispose of all the Church patronage in Christendom, though for the present he contents himself with reserving

¹ Cf. Innocent. iii. *Regest.*, lib. i. ep. 118, and lib. i. ep. 127, *P.L.*, ccxiv. 107, 116.

² The bull is known as the "*Licet ecclesiarum*," and finds a place in the *Corpus Juris*, where it is to be read in the sixth book of the Decretals, the *Sext*, as it is called (lib. iii. lit. iv. cap. ii.).

for himself the filling up of those benefices only which should become vacant at his Court.¹ When once such principles as those which were enunciated in Clement's bull had been laid down, it would be easy to foresee that no long time would elapse before they would be reduced to practice. After the Popes had fixed their residence at Avignon, an event which occurred in the spring of 1309, during the Pontificate of Clement V, papal reservations and provisions became more and more multiplied.² Immense sums of money were exacted from those who received promotion in this way, so that the papal treasury was filled to overflowing. When John XXII died in 1334, he left to his successor money and jewels, amounting in value to twenty-five millions of gold florins, a sum which must be multiplied many times, if we would express its value in the terms of our modern coinage.³

At last the final step was taken which was the logical outcome of all this preparatory process. On August 4, 1363, Urban V reserved to his own appointment and disposition all patriarchal, archiepiscopal and episcopal sees, which were at that time anywhere and anyhow vacant, or which should become vacant during the term of his presidency over the universal Church. Urban also decreed that this reservation should take effect, whenever it should please him to make use of it, either by himself providing, or by issuing commands to others to provide for the vacant churches or monasteries. This decree was ordered to be inserted among the Rules of the Papal Chancery, and it was numbered as the 18th of the Chancery rules which were in force during the pontificate

¹ It was on this principle that Nicholas III provided the see of Canterbury with John Peckham as its Archbishop in 1279. The see had become vacant "*in Curia*" by the promotion of Peckham's predecessor, Kilwardby, to the cardinalate.

² Apparently the first case of an appointment to an English see being specially reserved to the Pope was the case of the see of Worcester in 1308, when a bull of provision was issued in favour of Walter Reynolds. Edward II protested against the appointment being made by way of provision (*cf.* Rymer, ii. 29).

³ Fleury, *Hist. Eccl.*, livre xciv. chap. 39, tome xix. pp. 519, 520, ed. 1726.

of Urban.¹ Having once been numbered among the Rules of the Chancery, the universal reservation of all sees has never been allowed to drop out. Every Pope on the day after his accession publishes the rules with such modifications as seem good to him. They are only in force during his lifetime, and need to be re-enacted by his successor. In this way, so far as papal decrees were accepted as binding, the various chapters, metropolitans, and provincial synods of Christendom were robbed of their rights in regard to the election and confirmation of patriarchs, archbishops and bishops. If the history of the Popes had not accustomed those who study it to expect from them acts of usurpation, one would be aghast at the audacity of Urban's proceeding. Even the most ardent Ultramontane writers seem to feel that some justification for such a revolutionary edict is required. The justification which some of them set forth is truly characteristic. For example, one very learned writer, Rigantius, says that "the provision of bishoprics and other greater dignities belonged formerly only to the supreme Pontiff," but that "afterwards the Pontiffs allowed that the right of electing their prelate should be in the power of the canons in cathedral and collegiate churches"; and that finally, owing to various inconveniences having arisen, the Apostolic See began to reserve to itself once more patriarchal, primatial, archiepiscopal and episcopal churches. So another asserts that "it is certain that *de jure divino* the election of a bishop belongs neither to the clergy nor to the people, but to the Roman Pontiff."² These are the words of the celebrated Antoninus Diana of Palermo.³ Diana further on quotes with approval Rebuffus (in *Notat. ad Concordat.*), who tries

¹ See the *Regulae Cancellariae Apostolicae*, edited by Dr. E. von Otenthal, 1888, pp. 17, 18.

² See the *Commentaria in Regulas, Constitutiones et Ordinationes Cancellariae Apostolicae* of J. B. Rigantius, tom. i. p. 207, ed. Rom., 1744.

³ See the *Tractatus novus historico-theologicus de prisco more eligendi episcopus* printed in the edition of Diana's works, as arranged by Martinus de Alcolea, and entitled *Antoninus Diana...coordinatus*, tome ix. p. 336, edit. Venet., 1698.

to show that God gave the power of electing bishops to our Lord, and that then our Lord "conceded this power to the Pope, as being His Vicar; but that Peter out of humility (*ex humilitate*) allowed the College of Apostles and Elders to exercise it."¹ After all we must not be surprised at devout Roman Catholics inventing these astounding theories; for it seems impossible in any other way to exculpate the Popes from the charge of robbery on an enormous scale. For first of all, as I have already pointed out, they robbed the local churches and the provincial bishops of their rights and liberties in regard to the election and confirmation of those who were to be promoted to fill vacant sees; and next they absorbed vast sums of money into their own treasury, by making all those, who were to be made bishops, pay very heavy fees in order to obtain their bulls of provision. For example, during the fifteenth century each Archbishop of Canterbury had to pay on appointment ten thousand florins of gold into the Apostolic Camera, besides other fees.² The Bishops of Winchester seem to have ordinarily paid twelve thousand florins of gold. That at any rate was the tax levied on Bishop Waynflete in 1447, on Bishop Gardiner in 1531, and on Bishop White in 1556.³ The tax for the Archbishops of York was ten thousand florins; for Ely it was seven thousand five hundred florins; for Lincoln five thousand florins, and so on.

As I have said, it was Urban V who in 1363 set the fashion of reserving to the Pope's appointment *all* the

¹ *Op. cit.* p. 342. If it be objected that Diana belongs to the seventeenth century and Rigantius to the eighteenth, and that no one now would accept their account of the matter, one must reply that similar notions are set forth by Bouix in his treatise, *De Episcopatu*, published in 1859 (see pp. 184-202). Bouix discusses the question: "An Romani Pontifices, quando recentioribus temporibus Episcoporum electionem et confirmationem sibi reservarunt, jus Episcopis et Synodis competens sibi injuste usurpaverint?" He answers this question thus: "Nos dicimus: hac agendi ratione jus suum, quod ab aliis exerceri olim permiserat, Sedes Apostolica resumpsit, atque ad fontem a quo defluerat, revocavit." As might be supposed, the arguments, by which he attempts to support this conclusion, are most inconclusive.

² See Maziere Brady's *Episcopal Succession*, vol. i. pp. 1-3.

³ *Op. cit.* pp. 12-14.

sees of Christendom ; but from the time that the Popes established themselves at Avignon in 1309, reservations of individual bishoprics and of whole classes of bishoprics became continually more frequent ; and as a matter of fact the last election to an English bishopric, which was canonically confirmed by the Metropolitan in that century, took place in 1345. The election of Thomas Hatfield to the see of Durham was confirmed by Archbishop de la Zouch of York, at Cawood, on June 1 of that year.¹ The last episcopal election, which was canonically confirmed at that time in the southern province, was that of John Trilleck to the see of Hereford, which was confirmed in 1344 by Archbishop Stratford of Canterbury.² From 1345 to 1534 none of our English diocesan Bishops were confirmed by their metropolitan, but all were provided by the Pope, with the exception of the Bishops who were consecrated to their sees in 1416 and 1417. About these exceptions I shall speak later on.

In the face of this wholesale usurpation and robbery, it may very naturally be asked—Was no protest raised by the English Church and nation against these iniquitous proceedings ? And the answer must be that protest after protest was raised. For example, in 1306 the clergy and people of England sent a letter of remonstrance to Clement V, protesting against “ the novelties and intolerable oppressions ” of the court of Rome, and specifying in particular “ the unbridled multitude of provisions.” In 1307, at the Parliament of Carlisle, the lay Lords and the Commons presented a remonstrance to King Edward I, in which they thus express themselves :

“ The Pope of Rome accroching to him the seignories of such possessions and benefices [viz. such as were assigned to Arch-

¹ See Stubbs, *Registrum Sacrum Anglicanum*, p. 75, 2nd edition, 1897.

² The last Archbishop of Canterbury who obtained from the Pope a recognition and confirmation of his canonical election by the Prior and Convent of Christ Church, Canterbury, was Archbishop Simon Mepham, who was elected in 1328. Similarly the last Archbishop of York whose election by the Chapter of York received papal confirmation was Archbishop William de la Zouch, who was elected in 1340, though he was not consecrated till 1342.

bishops, Bishops, Abbots, Priors, Religious, and all other people of Holy Church] doth give and grant the same benefices to aliens, which did never dwell in England, and to Cardinals which might not dwell here, and to other as well aliens as denizens, as if he had been patron or advowee of the said dignities and benefices, *as he was not of right by the law of England*; whereby, if they should be suffered, there should scarcely be any benefice within a short time in the said realm, but that it should be in the hands of aliens and denizens by virtue of such provisions, against the good will and disposition of the founders of the same benefices; and so the elections of Archbishops, Bishops and other Religious should fail . . . in adnullation of the estate of the holy Church of England.”

Without attempting to enumerate all the protests that followed, it may be observed that these words of the remonstrance of 1307 were quoted and embodied in the first general statute of Provisors,¹ which was enacted in 1351; and they were again quoted and embodied in the great statute of Provisors of the year 1389.²

The Kings of England had always had a very important share in the selection of the Bishops of the Church of England, but after the passing of the Statutes of Provisors and Premunire they became in every way the masters of the situation. It is true that the forms of capitular election and of papal provision continued, but the Chapters invariably elected and the Popes invariably provided the royal nominee.

However, the fact that the Bishops were elected by the Chapters during the fifteenth century, as well as provided by the Popes, makes it clear that the new system of papal reservations was not supposed to have abolished the canonical system of capitular election. No Council or Pope in pre-Reformation times ever enacted a law doing away with the election of Bishops and with the confirmation of their election by the Metropolitan. Each

¹ 25 Edward III, stat. 4.

² 13 Ric. II, stat. ii. cap. 2. The legislation about papal provisions contained in the statutes of Provisors received a sharper edge and was made in the highest degree effective by the statutes of Premunire, especially by the final statute of 1392.

Pope by a special act reserved to himself the right to appoint to bishoprics during his pontificate, and the very fact that this reservation had to be renewed by each Pope after his accession implied that apart from that reservation the old canonical system was, even according to papal law, still in force. Moreover this result is corroborated by the terms used in the formula of reservation. I have already pointed out that Urban V, who was the first Pope who reserved to himself the appointment of all the bishoprics in the world, decreed that his reservation should take effect "whenever it should please him to make use of it."¹ It is here implied that he would not necessarily always make use of the right which he had reserved to himself. Nothing is said of what is to be done in the event of his making no use of his reservation, and nothing needed to be said. The common law of the Church provided that the Chapters should elect and that the Metropolitans should confirm. Rigantius tells us that the limiting clause, which appears in the reservation of Urban V, continued to be inserted in the Chancery-rules of all the succeeding Popes until the pontificate of Paul III, whose accession took place in the autumn of 1534,² that is to say at a time when the bishoprics of England had ceased to be filled up by the method of papal provision. In connexion with this limiting clause, which was inserted in the papal reservations, it seems worth while to notice that during the period when the system of reservations was in force in England, the Popes in their bulls of provision were accustomed to insert a clause, in which they speak of the reservation having been made "eâ vice specialiter." One might quote any number of examples of the use of this clause. Two will be sufficient. The clause may be read in the bull of provision, dated October 17, 1352, by which Clement VI translated John Thoresby from the see of Worcester to the see of

¹ See above, p. 169.

² Cf. Rigant. *Commentaria in Regulas, Constitutiones et Ordinationes Cancellariae Apostolicae*, tom. i. p. 208, edit. 1744.

York.¹ The same clause is to be found in the bull by which Clement VII promoted Cranmer to the archbishopric of Canterbury.² In another clause, which occurs generally in these bulls of provision, the Popes say that, when they made the special reservation, they decreed that any attempt to provide for the vacant see otherwise than by a papal appointment, whether such an attempt were made knowingly or ignorantly, should be null and void; and further on in the bull, speaking of the provision, they say: "de quâ nullus, praeter nos, *ea vice*, se intromittere poterat." All these clauses imply that the common law of election was still in existence, and, apart from the reservations, in force.

In England neither the Church nor the State recognized the right of the Pope to nullify elections to sees, appointment to which had been reserved to the Roman Pontiff. From the Roman point of view capitular elections were in these reserved cases invalid. The papal provision was considered to be equivalent to election and confirmation. But in England the papal provision was considered to be equivalent to an acceptance and confirmation of the election by the Chapter. In a document dated May 2, 1533, Henry VIII, after reciting the fact of Cranmer's election by the Prior and Convent of Christ Church, Canterbury, goes on to say that the Pope "had accepted and confirmed that election, and had preferred the person so elected to be Archbishop and pastor of the aforesaid Church of Canterbury."³ There is an exactly similar document, with clauses similarly worded, signed by Henry VII, and dated August 7, 1501.⁴ This latter document deals with the election and promotion of Henry Dean to the see of Canterbury.

But the continuance in strict law of the system of election by the Chapter and of confirmation by the Archbishop comes out with special clearness during the period

¹ See Rymer's *Foedera*, tom. v. p. 744, edit. 1708.

² See Strype's *Memorials of Cranmer*, vol. i. p. 484, edit. 1848.

³ Rymer, xiv. 457.

⁴ *Ibid.* 773.

of about two years and a half which intervened between the deposition of John XXIII, on May 29, 1415, and the election of Martin V on November 11, 1417. During that period the see of Rome was, in the opinion of the Church of England, vacant.¹ Consequently the whole of the old canonical system concerning the confirmation of episcopal elections by the Metropolitan was once more carried out, after having been in practical abeyance for about seventy years. Thus the see of Norwich, having become vacant through the death of Bishop Richard Courtenay, the Prior and Convent elected John Wakering to be his successor, and the election was confirmed by Archbishop Chicheley of Canterbury, on April 23, 1416.² The Bishop-elect was consecrated to his see on May 31 by the same Archbishop, assisted by the Archbishop of York and by seven of the Suffragans of the Province of Canterbury. Similarly, after the death of Bishop Robert Mascall of Hereford, the Chapter elected Edmund Lacy to the see.³ The election was confirmed by Archbishop Chicheley, and Lacy was consecrated by him on April 18, 1417. These two cases show, I think, very clearly that the Church of England did not consider that the canonical rights of her Archbishops in the matter of confirming episcopal elections had been in any way abrogated by the *de facto* prevalence of the uncanonical system of papal provisions from the middle of the fourteenth century onwards.⁴ But although the Archbishops' right of con-

¹ The English Church did not recognize the claims of Angelo Corrario, who called himself Gregory XII (November 30, 1406–July 4, 1415), nor of Peter de Luna, who called himself Benedict XIII (September 28, 1394–June 1, 1424). In her opinion the latter had always been an anti-Pope, and the former had been in the same situation since his deposition by the Council of Pisa in 1409.

² Full details concerning Wakering's confirmation and succession to the see are to be found in Chicheley's Register at Lambeth (pars 1^{ma}, foll. 10^a–12^b).

³ See Chicheley's Register, pars 1^{ma}, fol. 12^b to fol. 14^b.

⁴ The continuance of the Archbishop's right to confirm was also recognized at this time by the Roman Church. In Chicheley's Register (pars 1^{ma}, fol. 21^b) there is a bull of Martin V confirming and ratifying the title of Bishop John Chandler of Salisbury, who had been confirmed and consecrated by Chicheley, before he knew that the vacancy of the Roman see had come to an end by

firmation was not supposed to be abrogated, it must be confessed that between 1345 and 1534 it was ordinarily waived. The avoidance of any clashing between the canonical jurisdiction of the Archbishops and the uncanonical reservations of the Popes was no doubt helped forward by the docility of the Popes, who very seldom failed to accept and appoint the nominee of the Crown. In the rare cases when they attempted to promote someone whose cause was not favoured by the King, they were soon made to feel that they had committed a mistake, and that they must retrace their steps. I will give two examples.

After the death of Archbishop Henry Bowett of York, on October 20, 1423, Pope Martin V, probably trusting to the fact that King Henry VI was a child only two years old, made an attempt to fill the see by translating to it Richard Fleming, Bishop of Lincoln. This attempted translation was preconized (to use the modern term) at the Consistory, which was held on February 14, 1424; and the pall was granted to Fleming on April 5.¹ When the news reached England, the Privy Council took measures to compel Fleming to refuse his consent to the translation on the ground that his acceptance of it would be an infringement of the statutes of the realm.² The Council however graciously permitted Fleming to obtain bulls from the Pope, either establishing him in his former see of Lincoln, or, if the Pope preferred to reach the same goal by another path, re-translating him back from York to Lincoln. The Pope, making a virtue of necessity, chose

the election of Martin V, and that thereupon Martin V had reserved the sees of Christendom for his own provision. The bull makes mention of Chicheley's confirmation and consecration, and says that all things had been done canonically "nisi forsan apostolicæ reservationes obstant." Martin mentions that Chicheley had confirmed Chandler "auctoritate ordinaria."

¹ See Maziere Brady's *Episcopal Succession*, i. 89.

² See *Proceedings and Ordinances of the Privy Council of England*, edited by Sir Harris Nicolas, vol. iii. pp. 210, 211; and note the observations made by the editor in regard to the date of the transaction referred to in the text, observations which will be found on pp. xxix and xxx of the Preface to this third volume.

the latter alternative, and issued a bull of re-translation, dated July 20, 1425.¹

I pass to the second example. Philip Morgan, Bishop of Ely, died on October 25, 1435. Thereupon the Prior and Convent of Ely postulated Thomas Bouchier, Bishop of Worcester. Pope Eugenius IV assented to the petition of the monks, and sent a bull of translation to Bishop Bouchier. He however renounced whatever rights he had acquired, not daring to proceed in the matter owing to the opposition of the King.² Two years afterwards the Pope, at the request of the King, conceded the administration of the diocese of Ely to Louis of Luxemburg, Archbishop of Rouen, who held the see *in commendam* until his death in 1443.

As I have already said, the Statutes of Provisors and of Premunire made the King so completely the master of the situation, when he was dealing with the Pope in regard to the appointment of Bishops, that he preferred as a rule that the Bishops should be provided by the Pope rather than that the more canonical system should be followed.³ The result is that very few instances of archiepiscopal confirmations of English episcopal elections can be cited during the period between 1345 and 1534. It was otherwise in France. In that country the canonical system of confirmation by the Metropolitan was retained in actual exercise much more thoroughly than in England, until it was practically abolished in 1518 as a result of the concordat between Leo X and Francis I. I will refer to a few instances of canonical confirmations of elections to French sees.

¹ My own belief is that the true date of this bull is (approximately) March 1, 1426. Papal bulls were sometimes ante-dated; and, if it were worth while to set forth the evidence, I believe that good reason could be given for supposing that ante-dating has been resorted to in this case.

² See the *Continuatio* of the *Historia Eliensis* (Wharton's *Anglia Sacra*, i. 669).

³ Thomassinus (*Vet. et Nov. Eccl. Disc. de Benef.*, pars ii. lib. ii. cap. xxxiii. n. 6. tom. ii. p. 281, edit. Venet., 1766) says very truly: "Curiae Romanae provisionibus obstrepebant persaepe Principes, mox et ipsi in societatem emolumenti veniebant; ita non magnopere obluctabantur consuetudini novae quidem, sed sibi commendosae."

Jean Michel was elected by the Chapter to the see of Angers in February 1439. The election was confirmed by the Vicars-General *in spiritualibus* of the Archbishop of Tours, who was himself absent at the time from the kingdom.¹ Guillaume Gouge de Charpaignes was elected by the Chapter to the see of Poitiers, and was confirmed on May 17, 1441, by the Archbishop of Bourges, acting as Primate, the Bishop-elect being unable to get to his Metropolitan, the Archbishop of Bordeaux, owing to wars and floods.² Jean de Barthon was elected by the Chapter to the see of Limoges in 1457. The election was confirmed by the Archbishop of Bourges, as Metropolitan.³ Louis de Villers de l'Isle Adam was elected by the Chapter to the see of Beauvais in 1487, notwithstanding the fact that Innocent VIII had forbidden the Chapter to elect, and had reserved to himself the nomination. After various difficulties had been surmounted the election was confirmed by the metropolitan Chapter of Rheims, on whom the metropolitan jurisdiction had devolved *sede vacante*.⁴ Gerard Gobaille was elected by the Chapter to the see of Paris in 1492. The see of Paris was at that time a suffragan see of the Province of Sens. The election came before the Archbishop of Sens for confirmation or infirmation. In this case the Archbishop in the exercise of his judicial function came to the conclusion that the election must be quashed, and confirmation was therefore refused.⁵ Hugo de Bausa was elected by the Chapter to the see of Angoulême in 1502, and was confirmed on April 6, 1503, by the Archbishop of Bordeaux.⁶

Passing now from suffragan to metropolitan sees,

¹ *Preuves des Libertés de l'Église Gallicane*, cap. xv. sec. lix. pp. 353, 354, edit. 1639.

² *Gallia Christiana*, ii. 1199, edit. Piolin.

³ *Ibid.* ii. 536.

⁴ *Preuves des Libertés*, cap. xv. secs. lxii., lxiii., pp. 358, 359.

⁵ Berthier's continuation of Longueval's *Histoire de l'Église Gallicane*, xvii. 246.

⁶ *Gallia Christiana*, ii. 1018.

one may note that Louis de Harcourt was elected in 1406 by the Chapter of Rouen to that archbishopric. At the time of his election the Church of France was refusing to recognize either of the rival Popes who were contending for the Roman see. The election was therefore confirmed by a Council of the Gallican Church, which was held at Paris in 1408.¹ Five years before the election of Louis de Harcourt to Rouen, Vital de Castel-Moron had been elected by the Chapter to the metropolitanical see of Toulouse. The election was in that case confirmed by the Archbishop of Bourges, acting as Primate, and Vital was consecrated at Toulouse on May 5, 1402.² The same Chapter of Toulouse elected Denis du Moulin to the archbishopric in 1423, and the election was confirmed by the Vicars-General of the Primate of Bourges.³

I have not noticed any canonical confirmations of elections to metropolitanical sees in France after 1423; but, as we have seen, the canonical confirmation of elections to suffragan sees remained in force until the sixteenth century. No doubt the Popes often managed to secure the appointment to themselves, and filled the vacant sees by sending bulls of provision, but nevertheless the ancient canonical system never fell into complete desuetude until the time of the Concordat between Leo X and Francis I.⁴ Even after the provisions of that Concordat had been promulgated and given force of law in France by the action of the civil power, the Church of France still continued to regard the older system as remaining canonically in existence, so that, if the King could be persuaded to withdraw his opposition, there would be nothing to prevent its being put into operation. Thus the General Assembly of the Clergy of France in 1600 petitioned the King to restore to the Church the right of freedom of election to archbishoprics, bishoprics, and abbeys, in accordance with the holy decrees and the

¹ *Gallia Christiana*, xi. 86.

² *Ibid.* xiii. 47.

³ Salvan's *Histoire de l'Église de Toulouse*, iii. 475.

⁴ The Concordat of Bologna was formally promulgated by a bull dated August 18, 1516.

canonical constitutions.¹ The Assembly of 1608 did the same. The King however declined to alter the arrangements made by the Concordat, which practically put the nomination to bishoprics entirely into his own hands. It seems to me that these French precedents are of importance, because they help to show that in the opinion of Catholic Europe the canonical system of electing and confirming Bishops was looked upon as holding its ground in the sixteenth century, notwithstanding the efforts of the Popes to reserve to themselves alone the right of appointing to sees.

I will now sum up the main results of this somewhat lengthy investigation. Neither during the four hundred years which immediately preceded the Norman Conquest, nor for nearly a hundred years after it, did the English Church recognize in the Pope any right to meddle with the appointment of her Bishops or even with her Archbishops. In the twelfth century, during the anarchical reign of Stephen (1135 to 1154), we begin to find traces of appeals from the English Archbishops to the Popes in cases connected with the confirmation of Bishops. In the next reign we find a certain acceptance of the papal claim to a veto on all translations from one see to another, a claim which was based upon forgeries. Early in the thirteenth century the Popes began to assert for themselves in the teeth of their own decretals the sole right of confirming Metropolitans. This claim never seems to have been explicitly admitted in England, but in practice it perhaps acquired for itself in men's minds a consuetudinary right. Early in the fourteenth century the Popes began to reserve to themselves beforehand the sole right of filling particular vacancies of particular English sees, when those vacancies should occur; and in the middle of that century they began the practice of making at the commencement of their pontificate

¹ *Collection des Procès-verbaux des Assemblées Générales du Clergé de France*, tome i., Pièces Justificatives, p. 173. The Assembly of 1608 did the same. Cf. *op. cit.* p. 189.

a universal reservation of all the sees of Christendom. The English nation as a whole was moved with indignation against this iniquitous system of reservation, and by means of a series of drastic Acts of Parliament made the exercise of the usurped power of provision depend on the good pleasure of the King. In the eye of the law the canonical system of election and confirmation was looked upon as remaining in force. Such was the record in the past, and such was the actual state of the law, when the time came for investigating the foundations of the papal claims, and of putting the relations of the Church of England to the Church of Rome on a more satisfactory footing.

III

We have seen that the canonical system of election and confirmation of Bishops remained theoretically in full vigour in England in the sixteenth century, and was acknowledged by the Popes themselves to be in force; although by the connivance of the King, who practically kept the appointment in his own hands, the Popes were allowed to set aside on each occasion the canonical method and to confer the bishopric on the King's nominee by bulls of provision. But it must be remembered that, during the greater part of the fifteenth century and during the first thirty-three years of the sixteenth, the process by which in England a clergyman, who was to be promoted to the episcopate, obtained the right to claim the gift of consecration to this or that English see, would have been described in one way at Rome and in another way in England. In Rome the whole process of the appointment was regarded as having been carried out by the Pope, who effected it by his reservation of the appointment *eâ vice specialiter* to himself, followed up by his bull of provision. Moreover, in the act of reservation the Pope was accustomed to decree that any attempt to provide for the vacant see otherwise than by his appointment should be null and void. That

was the papal view of the matter. But it was not the English view. In England, when the fact of the vacancy of the see had been notified by the Chapter to the King, and when the Chapter had humbly petitioned for leave to proceed to the election of a successor, the King issued his *Congé d'élire* to the Chapter, and sent with it his Letters Missive naming the person, A. B., whom he wished them to elect, on the receipt of which the election took place in due canonical form, and its result was reported to the King for his approval. From the papal point of view the whole of this proceeding was an absolute nullity; but it was not so regarded in England. It is true that even in England the traditional Catholic procedure was not fully carried out. The election, after having been approved by the King, ought to have been reported to the Archbishop to be either confirmed or quashed by him. But what actually happened was that the King presented and nominated or commended to the Pope A. B., as being the person whom he wished the Pope to appoint to fill the vacant see. Whereupon the Pope, taking no notice of the election by the Chapter, issued his bull of provision in favour of the person named to him by the King.¹ But when the bull reached England, the King, when referring to it, spoke of it as the instrument by which the Pope had confirmed the election by the Chapter,² and from the reign of Edward I onwards he compelled the Bishop-elect to renounce formally all words in the bull, that were prejudicial to the royal authority.³

¹ Stubbs (*Constitutional History of England*, edit. 1878, vol. iii. p. 314), speaking of the statute of Provisors enacted in 1351, says: "Even this bold measure, in which the good sense of the parliament condemned the proceedings of the Pope, was turned by royal manipulation to the advantage of the crown alone. A system was devised which saved the dignity of all parties. When a see became vacant, the King sent to the Chapter his licence to elect, accompanied or followed by a letter nominating the person whom he would accept if elected. He also, by letter to the Pope, requested that the same person might be appointed by papal provision. With equal complaisance the Chapters elected and the Popes provided."

² See above, p. 175.

³ See Stubbs, *Constitutional History of England*, edit. 1878, vol. iii. pp. 309,

It must also be remembered that, apart from the King's special licence, it was an illegal act from 1351 onwards for any English subject to receive bulls of provision from the Pope appointing him to be Bishop of any English see. The Statutes of Provisors, which were in full legal force, kept up a continual protest against the papal usurpation of patronage.

At length the time came for putting an end to the system of royal connivance at the papal acts of usurpation. In the early part of 1534 a statute was enacted which decreed that :

“no person nor persons hereafter shall be presented, nominated, or commended to the said Bishop of Rome, otherwise called the Pope, or to the see of Rome, to or for the dignity or office of any Archbishop or Bishop within this realm or in any other the King's dominions, nor shall send nor procure therefor any manner of bulls, breves, palls, or other things requisite for an Archbishop or Bishop, nor, etc.”¹

This statute was called “An Act restraining the Payment of Annates,” etc.

The result of the enactment of this Statute was that it became once more possible for the canonical system of confirming the election of the suffragan Bishops of any province within the King of England's dominions to be carried out; and the same is true with only a slight modification in regard to the confirmation of Archbishops within the area mentioned above.

The canonical system, which was brought back into use by the enactment of this statute, has been in force in England ever since, except during the two short reigns of Edward VI and Mary, that is to say from 1547 to 1558. I do not mean to imply that it is a perfect system : but it is an enormous improvement on the system which preceded it. It is an immense gain to have purged the appointment of our Bishops from the intrusion of an uncanonical alien power like the papacy, which in this

¹ See Gibson's *Codex*, 2nd edit., Oxford, 1761, vol. i. p. 108.

matter had built up its claims on shameless usurpation based upon forgeries.

No doubt it may be said that the intervention of our Kings in the appointment of our Bishops is also uncanonical; and the truth of that statement must be admitted. But the intervention of civil rulers in the appointment of Bishops arises almost necessarily out of the established condition of the Church. In England that condition goes back to the seventh century. In the Church at large it goes back to the fourth century. After England as a whole had become Christianized, its Bishops ceased to be merely the spiritual pastors of the flock of Christ's sheep, they became also great secular officials. Under these changed circumstances the jurisdiction of the Bishops was by no means a merely spiritual jurisdiction, enforced by purely spiritual censures based on the power of the keys. The Bishops had indeed received from our Lord at their consecration the gift of a true spiritual and Apostolic jurisdiction, but they were also, in accordance with the laws of the state, clothed with an additional coercive jurisdiction enabling them to fine and imprison those who resisted the exercise of their authority, and to deal in their courts with many matters which were purely temporal. Moreover, as time went on, a considerable proportion of the land in England had been bestowed by the Kings and other great lords upon the Church, the rulers of which were the Bishops; and during the later Middle Ages, Bishops and Abbots constituted the majority of the members in the Upper House of Parliament, at that time by far the most influential of the two houses.

Under such circumstances it was inevitable that our Kings should claim a share in the choice of such privileged officials. In the times before the Conquest and for some time after the Conquest, and again after the enacting of the Statutes of Provisors and of *Praemunire*, the royal share in the choice of Bishops was such a large share that, so far as the actual result was concerned, the Statute

enacted by Henry VIII in 1534 effected no change. The *process* of appointment was indeed changed. Papal bulls were no longer to be issued, the old canonical confirmation by the Archbishop was to be restored, but the choice of the person to be promoted remained in the hands of the King, subject only to the condition that the King's choice must fall on a person, at whose consecration three Bishops could be found, who would be willing to officiate.

To my mind this arrangement, whether in its pre-Reformation or in its post-Reformation form, was dangerous, and in every way undesirable. It gave to the King an inordinate share in the choice of the Bishops. But the point which I want now to emphasize is that it was an arrangement in no way peculiar to England. It had existed during long periods of time in all the countries both of the East and West within the limits of Christendom; for in all those countries, except when heretical Emperors were reigning at Constantinople, the Church was established by the State; and wherever the Church was established, the rulers of the State normally claimed and were granted an inordinate share in the choice of the Bishops.

In France, during both the Merovingian and the Carolingian times, the Kings often appointed Bishops to vacant sees without any semblance of election. At other times, when they granted a *Congé d'élire*, they often practically dictated the person who was to be chosen; and they never allowed a Bishop's election to be canonically confirmed until they had themselves ratified it; and even after the election had been confirmed, the Bishop-elect could not be consecrated without their formal permission.¹

In Germany the Kings and (after the resuscitation of the Empire by Otto the Great in 962) the Emperors had even a greater share in the appointment of Bishops than

¹ See Imbart de la Tour, *Les Élections Épiscopales dans l'Église de France du ix^e au xii^e siècle*, livre i^{er}, chapitres v., vi., et vii., edit. 1891, pp. 71-133.

the Frankish Kings had in France. Imbart de la Tour, speaking of Germany, says :

“ Là le roi devient le chef incontesté de la société religieuse. Au x^e siècle il a tous les évêchés dans la main : il nomme, confirme, dépose les évêques ; l’investiture est un attribut de la royauté. . . . En Germanie l’évêque n’eut qu’un chef, l’évêché n’eut qu’un maître : le roi.”¹

This claim of the French and German sovereigns to bestow bishoprics on persons whom they might wish to favour was admitted as a valid claim by Popes of the tenth century. So Pope John X, in a letter addressed to Hermann, Archbishop of Cologne, on the subject of the filling up of the vacant see of Liège, severely blames the Archbishop for having passed over Richarius, the candidate favoured by King Charles the Simple, and for having consecrated to the see Hilduin, an adversary of Charles, “ because,” the Pope says :

“ an ancient custom is in force, according to which no one can bestow a bishopric on any clerk except the King, to whom the sceptre has been given by God. . . . We have not ceased wondering at your having dared to act against all reason and without any command coming to you from the King : since you cannot have forgotten the rule that no Bishop ought to be consecrated in any diocese without the consecration being first authorized by the King.”²

The upshot of this letter was that both the Archbishop and the two rivals, Richarius and Hilduin, were all of them summoned to Rome, where Hilduin’s appointment to the see of Liège was declared null and void, and where

¹ Imbart de la Tour, *op. cit.* p. 260. See also a similar passage on p. 264 of the same work. It concludes thus : “ Beaucoup plus qu’en France, c’est en Allemagne que les principes de l’organisation religieuse créée par Charlemagne ont porté leurs résultats.”

² The Pope’s letter, written in 920 or 921, will be found in *P.L.* cxxxii. 806, 807. The passage quoted in the text runs thus in the original Latin : “ Cum prisca consuetudo vigeat, qualiter nullus alicui clerico episcopatum conferre debeat, nisi rex cui divinitus sceptrum collatum est. . . . Valde namque admirari non distulimus, cur contra rationem absque regis jussione agere pertentastis : cum vobis reminiscentibus hoc nullo modo esse debeat ut absque regali praeceptione in qualibet parochia episcopus sit consecratus.”

he himself was excommunicated; while Richarius was consecrated by the Pope to the vacant see, but nothing of a serious nature was done to Hermann who retained his archbishopric until his death in 925.

I have referred to these customs which prevailed during long periods of time in France and Germany, as well as in other European countries, in order to make it clear that England does not in this matter stand alone. But however widely spread these customs may have been, they seem to me to be always and everywhere regrettable. They grant an inordinate share in the choice of the rulers of the Church to the civil government. I have already said that under the conditions of establishment I should feel that the civil government may with a certain show of right claim some share in this matter. What that share should be, it is not for me to decide.

When we are considering this matter, it must be remembered that the Church militant is a society founded by our Blessed Lord to be His instrument for carrying on the work which He inaugurated, when He was here on earth. The Church was created and exists to carry on a divine work: and for three centuries or thereabouts she existed and carried on that work with no official relations to the State. On the contrary she was in those days continually enduring persecutions at the hands of the State. But when in the fourth century the Emperors and large numbers of their subjects accepted the religion of which our Lord was the Founder and Head, they necessarily petitioned to be admitted into the Church which He had created. Their petition was granted. They became catechumens and were finally baptized. An infinitely great blessing was thus bestowed upon them: and as they had received spiritual blessings at the hands of the Church and her rulers, so, to use Pauline language,¹ it was natural that they should bestow carnal things on the Church and her rulers. Perhaps the Church and her rulers would have acted more wisely, if she and they had

¹ Compare 1 Cor. ix. 11.

been less ready to accept the temporal gifts and honours that were lavishly poured out upon her. Had she done so, she would have been better able to preserve her own independence, and would thus have been better fitted to carry out the work entrusted to her.

As things turned out, the rulers of the State soon began to feel jealous of the great influence exercised by the rulers of the Church, and they persistently strove to get into their own hands the right to choose the persons who were to be raised to these high ecclesiastical posts : and their efforts were successful on a large scale. No one, looking at the history of Christendom, can say that the result has been altogether satisfactory.

Happily, in that part of the Catholic Church to which we belong, that is to say in the Anglican Communion, out of a large number of provinces, sixteen or seventeen all told, all except two have become disentangled from the confusion and weakness which result from being established by the State ; or if, as in India, they are not yet completely disentangled, still both the Church and the State are in that country aiming at disestablishment, and in the course of a few months that result will certainly be accomplished.

But we are at present tracing the transmission of spiritual jurisdiction in the two English provinces of Canterbury and York, and it is precisely in those two provinces of high antiquity that the conditions of establishment still prevail ; and it is not easy to suppose that, while those conditions prevail, the State will relax the grip on the appointment of Archbishops and Bishops, which, with some rare intervals of comparative feebleness, it has maintained for nearly thirteen centuries.

Are we then to hold the opinion that the King, with or without the advice of his Prime Minister, can appoint anyone that he chooses to the archbishoprics and bishoprics of the Church of England ? That would indeed be a very mistaken view. As I have implied before, the King and his constitutional advisers have an

inordinate share in episcopal appointments, but these appointments do not wholly depend on either him or them. There are two checks on his power to make his choice effective. In the first place, when an English see becomes vacant, the King, in response to the petition of the Dean and Chapter of the Cathedral Church, sends his *Congé d'élire* to the petitioners, conveying to them his "fundatorial leave and licence" to elect for their Church another Bishop and Pastor. Along with the *Congé d'élire* the King sends to the electoral body another letter, technically called "the Letter Missive," in which he names and recommends to the electors the person whom he wishes to be elected to fill the vacant see; and he goes on to require them upon receipt of that letter to proceed to their election *according to the laws and statutes of the realm*. The sting of the letter is in the tail: for by "the laws and statutes of the realm" the King has primarily in view the statute for restraining the payment of Annates and of the electing and consecrating of Archbishops and Bishops within this realm, enacted by Henry VIII in 1534; and according to that statute, if the Dean and Chapter fail to elect the person named in the Letter Missive, and to signify the result of their election to the King within the space of twenty days from the date of their receipt of the Letter Missive, then the Dean and every particular person of the Chapter, and their aiders, counsellors, and abettors "shall run in the dangers, pains, and penalties of the Statutes of Provision and *Praemunire*,"¹ made in the reigns of King Edward III and of King Richard II. The pains and penalties here referred to consist in the guilty persons being put out of the King's protection, or in other words made outlaws, and their lands and tenements, goods and chattels, becoming forfeit to the King, and they themselves to be imprisoned by judgement of the King and Council.

But what sort of a check, it may be asked, does such an election provide, where the electors are coerced into voting for the King's nominee by the tremendous pains

¹ See Gibson's *Codex*, 2nd edit., Oxford, vol. i., p. 112.

and penalties, which they will incur, if they fail to elect that nominee? The answer is that the necessity of holding an election does undoubtedly provide a check, though it be a check of a limited kind, which has the effect of warding off the danger of outrageous nominations being made to the electoral body. In August 1895 I happened to be at Hawarden for a few days, and had more than one conversation with Mr. W. E. Gladstone. He spoke strongly to me on the importance of retaining the method of capitular election under a *Congé d'élire*, which, in his opinion, was a far better method of carrying out the royal prerogative of nominating Bishops, than the method of nominating them by Letters Patent addressed to the Archbishop. His view was that, apart from other reasons for doing so, the *Congé d'élire* had a real effect, though a limited effect on the appointment of Bishops. He said that he had a very extensive knowledge of how English Bishops had been appointed during his parliamentary and official career, and that no Prime Minister ever advised the King on the subject of nominations to vacant sees without considering the possibility of Chapters refusing to elect the nominated person. In another conversation held with a Church dignitary, who was staying at the Castle at the time of my visit, Mr. Gladstone mentioned the fact that in the eighteenth century Sir Robert Walpole was preparing to advise the King to make a scandalous appointment to a vacant English see, but was told in time that the Chapter would refuse to elect, and he consequently arranged with the King that an Irish see should be given in lieu of the English one to his *protégé*, as in Ireland such appointments were in those days made by Letters Patent, and not by *Congé d'élire*.¹ Now, of course, the Church in Ireland having been disestablished, the King has no share in the appointment of its Bishops.

But to come to later times. In 1847, when Dr. Hampden was elected to the see of Hereford, and, strangely enough, in 1869, when Dr. Temple was elected

¹ See Appendix B below, on p. 242.

to the see of Exeter, the capitular election was in neither case unanimous. In both elections a minority, which in the first case included the Dean, voted against the King's nominee. Such instances prove to demonstration that the election of the King's nominee is by no means the result of a foregone conclusion; but that, when the occasion seems to demand it, electors are ready to risk having to endure the penalties of *Praemunire* rather than vote against the dictates of their conscience.¹

There can be no doubt that election by the Chapter constitutes a real hindrance to possible scandalous nominations. Within somewhat narrow limits it provides a useful check on what might seem an unlimited power of choice lodged in the King and his constitutional advisers.

But in the second place there is a further check, which results from the fact that it is not enough for a Bishop to be elected and for his election to be confirmed, he has also to be consecrated by at least three Bishops. It is by consecration that the elect is raised to the highest order of the sacred ministry, and receives from our Lord through the instrumental action of the consecrating Bishops the power of ordaining and consecrating Bishops, Priests, and Deacons, and also, according to our Anglican rule, the power to convey the indwelling Presence of the Holy Ghost to the baptized by the laying-on of hands in Confirmation. It is also by consecration that the elect is made a successor of the Apostles in their ordinary powers as chief rulers of the Church, and thus becomes not merely the administrator of a particular diocese, but a sharer in the oecumenical mission and jurisdiction of the apostolic

¹ It may perhaps be replied that, even if the Chapter did by a majority reject the King's nominee, the King could then, in accordance with the Statute of 1534, proceed to appoint his nominee by Letters Patent directed to the Archbishop of the province requiring the Archbishop to consecrate. No doubt, so far as the law is concerned, that course could be taken. But the disturbance in the Church would be very great, and might easily result in its disestablishment. Most Prime Ministers would hesitate before they took measures which for the sake of making a particular ecclesiastical appointment would plunge the country into such turmoil.

college, to be used in such ways as the canons and approved customs of the Church permit.¹

This necessity for the elect to receive episcopal consecration through the instrumentality of the consecrating Bishops provides a more effectual check on the royal prerogative of nomination than that which results from the custom of capitular election. If the Chapter should refuse to elect the King's nominee, then, as I have said, the Statute of 1534 allows the King to appoint by Letters Patent, a mode of appointment much in use in England before the Norman Conquest. But, if all the Bishops within reach refuse to consecrate, the King's nomination must necessarily fail to take effect.

Someone may perhaps suggest that it is inconceivable that English Bishops should refuse to consecrate a clerk duly nominated by the King to a vacant English see. To that unworthy suggestion a direct answer of the weightiest kind can be made. Dr. Randall Davidson, the present Archbishop of Canterbury, in a letter dated January 16, 1918,² and addressed to Dr. Charles Gore, then Bishop of Oxford, in reply to a protest against the nomination of Dr. Hensley Henson by the Crown for election to the see of Hereford, sent by Dr. Gore to the Archbishop, said among other things :

“ I have, as you know, always maintained that in the last resort a large measure of responsibility must belong to the ecclesiastical authorities, and especially to the Archbishop of the Province, in regard to the filling of a vacant see by the consecration thereto of a Priest duly nominated by the Crown. It is, therefore, appropriate that you should write to me as you have written on a matter about which you feel so strongly. No constitutional rule or usage can force the Archbishop to the solemn act of Consecration, if he be prepared, by resignation OR OTHERWISE,³ to abide the consequences

¹ See above, pp. 144-148.

² The letter was published in the *Morning Post* on Friday, January 18, 1918 (p. 2, col. 5).

³ There may conceivably be some very rare cases, when it would be allowable for an Archbishop to resign in order to avoid consecrating a person unworthy of consecration ; but normally it would appear to me that he

of declaring himself *in foro conscientiae* unable to proceed. I should be deliberately prepared to take that course if I found myself called upon at any time to consecrate to the episcopate a man, who, in my judgement, is clearly unworthy of that office or false to the Christian faith as taught by the Church of England.”

I think that I have shown clearly that the prerogative of the King to nominate clerks to fill vacant sees is not an absolutely uncontrolled power, there are checks which have some effect in hindering bad appointments; but in my opinion it is a thing much to be desired that the number and efficiency of the checks should be increased.

There is one such additional check, for the legalization of which the faithful ought to work and pray. Some change in the law ought to be made, which would make the Church's right to confirm the capitular election more effective. At present in England the confirmation of the election does little more than provide a formal guarantee, conveying to the whole province the Archbishop's assurance that the election carried out by the Chapter of one of the dioceses of the province was conducted in a proper canonical manner, and that A. B. is the person whom that Chapter did elect, and that consequently A. B., after he has been duly consecrated, will become one of the Bishops of the province and in the Provincial Synod will have a share in the government of the province. The confirmation has also the effect of making the elect capable of receiving from the guardian of the spiritualities that measure of spiritual jurisdiction, which, during the vacancy of the see, had been exercised by the guardian in order that the necessary minimum of diocesan administration might be carried on while the church in the diocese was “destitute of the solace of a pastor.” It

ought not to resign under such circumstances, but rather to abide *otherwise* the consequences of refusing to consecrate. I can imagine nothing more inspiring to the whole Anglican Communion, nothing more certain to draw down upon us the richest blessings of heaven, than for an Archbishop of Canterbury to be declared an outlaw, because he declined to consecrate to the episcopate a heretic or a morally unworthy person, who had been nominated by the Crown for election to a bishopric.

should be noted that the guardian is not bound to make restitution of the spiritualities, until the elect has been consecrated. If he does so after the confirmation and before the consecration, he does it as a matter of grace and not of justice.¹ The see is strictly speaking vacant until the elect is consecrated.² It is only after his consecration that he can be enthroned.

We shall perhaps be told that any enlargement of the Church's share in the appointment of her Bishops is unthinkable, so long as she remains established. Possibly that may be so; but the proof that it ought not to be so seems obvious: for the conditions of establishment have greatly changed since in Saxon and early Norman times our Kings secured for themselves their inordinate share in this very sacred business. Assuredly very little now remains of the coercive temporal jurisdiction which our

¹ Bishop Gibson in his *Codex* (2nd edit., 1761, vol. i. p. 114) quotes from the Registers of Archbishop Chicheley (fol. 51a) and of Archbishop Bourchier (fol. 3a) the following clause which occurs in their writs of restitution of spiritualities to elected and confirmed Bishops of suffragan sees of their Province, who had not yet been consecrated: "Etsi ante munus *Consecrationis* huic Electo realiter impensum, ad liberationem Spiritualium Civitatis et Diocesis antedict' minime teneamur: Volentes tamen sibi in hac parte specialiter impendere favores et gratias, de gratia nostra speciali, duximus et decernimus liberandam." The same clause is found in the writs of other Archbishops.

² During the first ten centuries and a half, in the Church of Rome if a Pope-elect died before he was consecrated, he was not reckoned as having been a Pope at all. His election did not put an end to the vacancy of the see. On the death of Pope Zacharias in March 752, a priest named Stephen was elected to be successor to Zacharias, but on the fourth day after his election he died, and, as he had not been consecrated, the *Liber Pontificalis*, a series of biographies of the occupants of the Roman see, ignores him: and similarly the historian, Fleury, in his *Histoire Ecclésiastique* (livre xliii. ch. iv. edit. 1720, tome ix. p. 360), speaking of this Pope-elect, Stephen, says: "Comme il n'avait point été sacré, on ne le compte point entre les papes." However, since the year 1059, when, under the influence of Hildebrand, Pope Nicholas II, by his celebrated bull, *In nomine Domini*, made what can almost be called revolutionary changes in the process by which Popes were to be henceforth elected, the *election* of the Pope makes him Pope invested with all the jurisdiction belonging to the papal office. For certain sacramental purposes he needs to be consecrated to the episcopate, if he is not already a Bishop; but, according to the modern Roman teaching, he is firmly established as the infallible autocratic monarch of the Church, whether he be consecrated to the episcopate at some future time or not.

Bishops used to possess ; and the numerous manors and other large estates, and the multitude of vassals and retainers¹ and other secular privileges, which formerly tended to make the Bishops great State officials, are to a great extent theirs no longer.

Moreover, in the later Middle Ages it was normally believed that the Church and the State form one society with two aspects. That view is expressed by Hooker in the well-known words : " There is not any man of the Church of England but the same man is also a member of the commonwealth ; nor any man a member of the commonwealth which is not also of the Church of England " (*Eccl. Pol.* viii. i. 2). But since the Toleration Act and the admission of Dissenters, Popish Recusants, Jews, and Unbelievers to Parliament, such a view has become unthinkable ; and arrangements which were tolerable and logical, when the mediaeval view prevailed, are intolerable and illogical now.

Every reasonable person with any sense of equity will surely acknowledge that, the circumstances having entirely changed, the share in the appointment of the Bishops entrusted to the Crown, which was always inordinate, is now obviously much too large, and ought to be diminished. The Church has an equitable claim to a much larger share than she has had for many centuries in a matter which is of such vital importance to herself and to the sacred interests and purposes for which she was founded by our Lord. The Archbishop, or preferably the Bishops of the province under the presidency of the Archbishop, should have the legally acknowledged right to refuse confirmation, if they should after due inquiry come to the conclusion that the nominee of the Crown was either unsound in his faith in regard to points of grave importance, or was in his conduct and character

¹ Even as late as the reign of Elizabeth, when Archbishop Parker was living in comparative retirement at Bekesbourne in Kent, his household consisted of a hundred persons ; and he had left behind him a considerable number of domestics at Lambeth. See Hook's *Lives of the Archbishops of Canterbury*, New Series, vol. iv. p. 524.

unworthy of being consecrated to be a successor of the Apostles.

We have now arrived at a point, where it seems desirable to discuss with greater fulness the way in which a Bishop acquires his spiritual jurisdiction. And, for the purpose of this discussion, it will be well to treat separately two different aspects of episcopal jurisdiction.

The first of these two aspects is that of episcopal jurisdiction regarded as oecumenical, which a Bishop, as a successor of the Apostles, exercises in various ways outside the limits of his diocese.¹ There can be no question that it is at his consecration that our Lord by the operation of His Holy Spirit imparts to the Bishop-elect this Apostolic jurisdiction. This truth is well brought out in our own Ordinal, where the Archbishop, officiating in the service for the consecration of a Bishop, and addressing the Bishop-elect, is directed to say to him :

“Brother, forasmuch as the Holy Scripture and the ancient Canons command that we should not be hasty in laying on hands, and admitting any person to government in the Church of Christ . . . before I admit you to this administration, I will examine you in certain articles.”

Now it must be remembered that the election of the Bishop and also the confirmation of that election have normally taken place some days or, it may be, some weeks before the day fixed for the consecration : presumably also the guardian of the Spiritualities has made restitution of them to the elect soon after his election was confirmed. But, notwithstanding all these official acts, the process of investing the elect with full spiritual jurisdiction is not yet completed. The Archbishop and the co-consecrating Bishops have still by the laying-on of hands to act as our Lord's instruments in admitting the Bishop-elect to government in the Church of Christ. By consecration they not only instrumentally impart to him certain sacramental powers enabling him to ordain to the several

¹ See above, on pp. 145-148.

orders of the sacred ministry and to confirm the baptized, but they also act as channels to convey to him from our glorified Lord the fulness of spiritual jurisdiction,¹ thus constituting him to be a person who by office shares in the supreme government of the Church.

But there is another aspect of episcopal jurisdiction besides the oecumenical aspect. A Bishop, while he shares with the rest of the Catholic episcopate in the government of the whole Church, is specially and peculiarly charged with the government of his own diocese; and the question now to be considered is the way in which this more limited diocesan jurisdiction is imparted to him. I think that we shall come to the conclusion that the authority to rule a particular diocese with the full jurisdiction of a successor of the Apostles comes to him as a consequence of his reception of oecumenical jurisdiction from our Lord in and through his consecration to the episcopate.

As has been pointed out in the first section of this essay,² the Apostles themselves received from our Lord a world-wide mission and an oecumenical jurisdiction; but in order to avoid confusion the Apostles normally limited themselves in the exercise of their jurisdiction. St. James was made the Apostolic president of the Mother-Church of Jerusalem. Outside that Church St. Paul and St.

¹ Similarly, in the office for the consecration of a Bishop-elect in the Roman Pontifical, in the long Preface-like prayer which follows the laying-on of hands, and which by the more learned Theologians of the Roman communion is regarded as the form of consecration, the principal consecrator in a louder voice and the co-consecrators in a lower voice pray that God will give to the elect the keys of the kingdom of heaven, that he may use the power which God bestows for edification not for destruction: that whatsoever he shall bind on earth may be bound in heaven, and whatsoever he shall loose on earth may be loosed in heaven, etc. Here the words are taken from the formula by which our Lord promised to give Apostolic authority to St. Peter, and God is besought to give that same Apostolic authority to the newly elected and confirmed Bishop. The power of the keys certainly includes the key of Jurisdiction as well as the key of Order: and the figurative words, "binding" and "loosing," express clearly the authority of the ruler; and this authority to rule, or in other words, this jurisdiction is represented as bestowed directly by God through the rite of consecration.

² See above, pp. 143-148.

Barnabas were to "go unto the Gentiles," and St. Peter and St. John "unto the circumcision." And this principle of limiting under normal circumstances the exercise of a jurisdiction in itself oecumenical was transmitted by the Apostles to their successors, and became a fundamental law of Church government. Each Bishop had a certain territory, within which he was the representative of the universal episcopate, and of Christ, our Lord, the Source and Head of that episcopate; and, subject to any later laws which might be made by the whole Church, or by his patriarchate, if he belonged to one, or in any case by his province, he was free to exercise his spiritual jurisdiction over his own diocesan flock according to the dictates of his conscience, and to the general principles of Christian zeal and prudence and justice and love. It follows that a Bishop's diocesan jurisdiction is not a second and different jurisdiction superimposed upon the oecumenical jurisdiction bestowed by our Lord, when the Bishop was consecrated; on the contrary the diocesan jurisdiction is that same oecumenical jurisdiction given free play within the limits of the diocese, unhindered by the canonical barriers which, outside the diocese, only allow the oecumenical jurisdiction to be exercised under special circumstances. The removal of these barriers within the limits of the diocese, so far as they affect the Bishop-elect, is effected by the consecrating Bishops (who represent the Bishops of the province or a majority of them) consecrating the Bishop-elect in a canonical way to the vacant see; or, if the elect has been consecrated at some former time to some other see, the barriers are removed by the competent provincial authority translating him in a canonical way to the new see to which he has been legitimately appointed.

I can imagine that a person, who had read what precedes, might be inclined to say: What then is the meaning of the restitution of the spiritualities by their guardian? As we have seen, that restitution usually takes place, as a matter of favour, before consecration,

though never before the election has been confirmed; and if diocesan jurisdiction is in fact the oecumenical jurisdiction bestowed through consecration given free play within the limits of the diocese, what are the spiritualities which the guardian restores?

The answer depends on the fact that during the vacancy of a see the work of the diocese must be carried on. Sees sometimes remain vacant for months and even years,¹ and during the vacancy parish priests may die or may resign, and the flock of Christ in the parish cannot be left for an indefinite time without sacraments and without discipline and without teaching. Thus it comes to pass that there must be an interim government of the diocese during the vacancy of the see. During the earlier centuries of the Church's existence, the priests of the diocese and more especially the priests² of the cathedral city, acting together as a body or college, carried on what may be called the routine administration of the diocese, so far as to supply what was strictly necessary; but reserving important questions arising from novel circumstances for the decision of the future Bishop, a custom which was pithily expressed in the old adage, "Sede vacante nihil innovetur."³ In North Africa during the episcopate of St. Augustine of Hippo it was customary for the primate or *senex* of each province to appoint one of his comprovincial Bishops, with the title of *Interventor*, to administer any diocese in which the see was vacant. There was a similar custom in Gaul in Merovingian and Carolingian times. But in the course of the twelfth century the cathedral chapter became gradually recognized as the body which should administer

¹ For example, the see of Rome on one occasion remained vacant for nearly three years, namely from the death of Clement IV in November 1268 to the election of Gregory X in September 1271.

² The deacons of the city were sometimes associated with the priests.

³ The priests and deacons at Rome, writing to St. Cyprian in A.D. 250, during the vacancy of the Roman See which followed the martyrdom of St. Fabian, and lasted for at least fourteen months (*Inter Cyprianicas, Ep. xxx. cap. 8, Opp. St. Cypr., edit. Hartel, p. 556*) say: "Ante constitutionem episcopi nihil innovandum putavimus."

the diocese during the vacancy of the see, and that arrangement was formally legalized by its finding expression in the *Corpus Juris Canonici*. Here in England that rule still holds good by common right, and is actually carried out in the two metropolitanical Churches of Canterbury and York and perhaps in one or two of the suffragan sees; but apart from those exceptions, ever since the thirteenth century the Archbishop of the province has been and still is guardian of the spiritualities during the vacancy of any see within his province. He has this privilege not by common right but by separate agreement with the several cathedral bodies.

From what has been said it will be realized that this jurisdiction of the guardian of the spiritualities is an interim jurisdiction created by the legislation of the Church for a particular purpose, namely to prevent confusion in a diocese bereaved of its proper pastor. It differs altogether from the Apostolic jurisdiction of a Bishop canonically consecrated or translated to fill a particular see. It necessarily comes to an end, when by consecration or translation the see is filled by a successor of the Apostles, who has received his jurisdiction directly from our Lord. The ceremony of the restitution of the spiritualities, if it takes place after the filling of the see, as in strictness it ought, expresses the fact that the interim jurisdiction has fulfilled its object and is ended. If, as a matter of favour, it takes place before consecration, it makes the elect Archbishop or Bishop the temporary administrator of the diocese, during the remainder of the period of the vacancy, in lieu of the Chapter or Archbishop by whom that function had hitherto been carried on. This temporary administration of course comes to an end, when by the consecration of the temporary administrator to the see the vacancy, thereof is ended, and the see is once more filled by a successor of the Apostles.

We may now, I think, pass on to the consideration of the transmission of spiritual jurisdiction to the Bishops who were appointed to English sees during the last

thirteen years of the reign of Henry VIII, that is to say from January 1534 to January 1547, and also during the reigns of his three children, Edward VI,¹ Mary I,² and Elizabeth, that is to say from January 28, 1547, to March 24, 1603.³

As an introduction to what I have to say on this subject, and also as tersely summing up much that has already been said in the preceding pages of this essay, I will set down here some passages taken from John Walter Lea's Introduction to his very valuable series of tables in his book entitled "The Succession of Spiritual Jurisdiction in every See of the Catholic Church in England at the Epochs of the Reformation and Revolution, exhibited in a Series of Tables."⁴

On p. 7 of Mr. Lea's Introduction he states the four principles on which he has formed his conclusions from the data furnished by his tables. His statement runs as follows :

"1. Every Bishop receives through and by virtue of his consecration a perfect share in the one Episcopate which confers an universal jurisdiction throughout the world. 'Episcopatus unus est, cujus a singulis in solidum pars tenetur.'⁵

"2. A Bishop acquires diocesan jurisdiction, *i.e.* becomes Bishop of a particular diocese (whatever this may import), by lawful consecration to the see, or, if already consecrated, by lawful appointment thereto, by those whose is the *jus consecrationis* or *confirmationis*, as the case may be.

"3. The Bishop of Rome hath no jurisdiction in this realm

¹ Edward died on July 6, 1553.

² Mary died on November 17, 1558.

³ In these dates I follow the New Style in giving the numbers of the several years after Christ, the beginning of each year being placed on the first of January.

⁴ The date of publication is not to be found either on the title-page or anywhere else in the volume : but the dedication of it to Dr. W. Stubbs, who is spoken of as being a "Canon of St. Paul's," makes it clear that its publication must have taken place between 1879 and 1884. It was published in London by Wells Gardner, Darton and Co.

⁵ St. Cypr. *De Unit. Eccl.*, sec. 5, *Opp.* i. 214. "The episcopate is one, an [undivided] share of which is held by each of the Bishops in such wise as that they are, each of them, joint-tenants of the whole."

of England ¹ other than that 'partem in solidum unius Episcopatus' which he holds in common with every other Bishop.

"4. Temporal princes have 'but that only prerogative, that they should rule all states and degrees committed to their charge by God, and restrain with the civil sword the stubborn and evil-doers'² : therefore no spiritual jurisdiction whatever."

On the same page of his Introduction Mr. Lea carefully distinguishes between the *full canonical* steps to diocesan episcopacy on the one hand, and the *essential* steps on the other hand. He says :

"The *canonical* steps to Diocesan Episcopacy are Election, Confirmation, Consecration ; omitting the last should the elect and confirmed be already consecrated. The *essential* steps are, in the one case, consecration to the see ; in the other, confirmation. A diocesan appointment may be valid ³ though not canonical ; but wanting the essentials, nothing can validate the diocesan title. This follows from Principle 2."

He goes on to say :

"It follows from Principle 3 that the Bishop of Rome can neither give nor take away valid diocesan jurisdiction in England. From Principle 4 that the Crown can neither give nor take away spiritual jurisdiction anywhere."

The Crown, if it proceeds in a constitutional way, can of course take away the coercive jurisdiction which has been superimposed by the State on the essential spiritual jurisdiction of the Bishops. That coercive jurisdiction has varied in its amount at different times, and might be wholly withdrawn, as it has lately been withdrawn from the Bishops in Wales.

There is much more that I should like to quote from

¹ See the Thirty-seventh Article of Religion.

² See the immediately preceding Note.

³ I should wish to mention here once for all that in the discussion which follows I use the word "valid" entirely in reference to spiritual jurisdiction and diocesan status. In this paper I am not dealing with the validity or invalidity of Ordinations.

pp. 8, 9, and 10 of Mr. Lea's admirable Introduction; but I must content myself with referring my readers to his book itself; but, on account of its great importance, I must make one exception, and cite here a statement which he makes at the beginning of the first paragraph on p. 10. He says:

“One remark may be added in reference to the deprivations of Bishops of which there were so many at the Reformation and the Revolution epochs. Many as there were, there does not seem to have been one which can be regarded as *spiritually* valid. All but one¹ were effected either by Papal or Royal authority, both being incompetent under Principles 3 and 4. The extrusion of an intruder was, of course, no true deprivation, none being required (or, strictly speaking, possible) in such a case.”

We must now fix our attention on the intruded Bishops who filled or seemed to fill English sees between January 1, 1534—the year when Henry VIII's great Statute² was enacted—and the death of Queen Elizabeth in 1603.

I select 1534 as the starting-point, because it was by the Statute for the restraining the payment of annates and of the electing and consecrating of Archbishops and Bishops within this realm, enacted early in that year, that was effected the withdrawal of such measure of legal recognition of the papal claims to jurisdiction in England in regard to matters connected with the appointment of Archbishops and Bishops, as had been wrongly granted by the English civil government during the later Middle Ages.

Moreover, later on in that same year, 1534, two still more important events happened: for, first the Convocation of York and afterwards the Convocation of

¹ The exceptional deprivation here referred to was the deprivation of Bishop Thomas Watson of St. Davids for simony by Archbishop Tenison in 1699. This date falls entirely outside the period of time which we are considering, though it falls within one of the two periods which Mr. Lea was considering.

² 25 Henry VIII, cap. 20.

Canterbury replied in the negative to the question propounded to them—namely, whether the Roman Pontiff has, conceded to him by God in Holy Scripture, a greater authority and power within this kingdom of England than any other foreign Bishop. These synodical replies went to the root of the whole matter. They repudiated any divinely given jurisdiction, whether spiritual or temporal,¹ within this kingdom of England, as belonging to the Bishop of Rome, over and above that share in the one episcopate which is held by every Catholic Bishop in such wise as that they are, each of them, joint-tenants of the whole. And the question propounded to them, with its express mention of Holy Scripture, was propounded exactly in the right way: for all through the later Middle Ages the Roman See, when dealing with the West, claimed jurisdiction by divine right only²; and it was this ground which was taken by the advocates of the papacy during the sixteenth century. Thus Bellarmine (“*De Rom. Pont.*”) devotes seventy-three folio columns to the argument from Holy Scripture, and then adds in corroboration four and a half columns for the argument from the Greek and Latin Fathers. Much the same may be said of Cardinal Hosius in his “*Liber de Auctoritate Romani Pontificis*,” and of Cardinal Fisher in his “*Assert. Luther. Confutat.*,” art. xxv. (*opp.* pp. 531–545).

Well then, during the period of seventy years (1534–1603), which we are considering, 146 Bishops occupied or seemed to occupy one or other of the twenty-seven

¹ The Popes claimed to possess a divinely given jurisdiction over the temporalities as well as over the spiritualities of the Church.

² When dealing with the West, at any rate after the breach with the East in 1054, the Popes are never found referring to that supposed patriarchate of the whole West, which is sometimes attributed to them by certain Anglican writers. They claimed obedience not as Patriarchs but as inheriting from St. Peter by divine appointment ordinary jurisdiction in every diocese of Christendom. At the Council of Florence, when Pope Eugenius was face to face with representatives of the Orthodox Church of the East, he did use language which implied that he regarded the see of Rome as being one of the patriarchal sees: but in doing so he was using language familiar to the Easterns, but very unfamiliar to the Cardinals and other Western prelates present at the Council (*cf.* Coleti, *Concilia*, tom. xviii. pp. 527, 528).

English sees¹ which, with one exception,² were in existence during the greater part of that time. Of these 146 Bishops nineteen were intruders; and of these last two were intruded before the year 1534, though the intruders still enjoyed the temporalities of the sees, into which they had intruded, during the early part of 1534. These two were intruded by two Popes acting with the connivance of King Henry VIII. The first of these intruding Bishops was Jerome de Ghinucci who was appointed to the see of Worcester by Pope Hadrian VI in a Bull of Provision, dated September 26, 1522, and he must have been consecrated in Rome. As far as is known, he never came to England nor ever intended to come here. He was not elected by the Chapter of Worcester, and he was neither confirmed nor consecrated by Archbishop Warham of Canterbury. He no doubt enjoyed the temporalities of the see of Worcester, and in return acted as agent for King Henry VIII at the papal court. But the whole proceeding was a shameful job, which was brought to an end very rightly by an Act of Parliament passed in the year 1534. Of course Parliament has no power either to give or to take away spiritual jurisdiction: but Ghinucci did not possess any diocesan spiritual jurisdiction in the diocese of Worcester. Neither the Pope who appointed him by an uncanonical Bull, nor the Bishops who consecrated him in Rome, nor Henry who for twelve years caused the temporalities of the see of Worcester to be paid to him, had any power to make him the canonical Bishop of Worcester. That could only

¹ Of these 146 Bishops nineteen had been consecrated before January 1, 1534.

² The see of Westminster was erected in December 1540, but remained in existence for only ten or eleven years. The sees of Chester, Gloucester, and Peterborough were erected in 1541, the see of Bristol in 1542, the see of Oseney, erected also in 1542, was transferred to Oxford in 1545. These five sees continue in existence to this day. I have taken no account of the little diocese of Sodor and Man, mainly because the succession of its Bishops during the period under consideration is in some respects very uncertain. I have, however, no reason to suppose that any Bishops were intruded into that diocese during that period.

be done under normal circumstances by Bishops representing the episcopate of the province of Canterbury. He was therefore an intruder, and Parliament had full power to extrude him, and was right in doing so. In 1535 Pope Paul III made Ghinucci Cardinal Priest of the title of St. Balbina, and he died on July 3, 1541.

The second of these intruders, whose intrusion took place before 1534, was Cardinal Lorenzo Campeggio, who already held the archbishopric of Bologna. He was, like Ghinucci, appointed uncanonically though by a different Pope, namely Clement VII, in a Bull of Provision, dated December 2, 1524, to the see of Salisbury, which he was to hold in plurality along with the see of Bologna. Campeggio had been consecrated, let us hope canonically, twelve years before to the see of Feltre, from which he was afterwards translated to Bologna; but, if he was to have real spiritual jurisdiction in the diocese of Salisbury, his appointment to that see needed to be confirmed by Archbishop Warham as representing the episcopate of the province of Canterbury. This was not done, and consequently Campeggio never received, and therefore never possessed, spiritual jurisdiction which could be freely used in the diocese of Salisbury. Moreover, Campeggio never intended to fulfil the pastoral duties of a Bishop in that diocese. He received the temporalities of the see and held and enjoyed them for more than nine years: but spiritually he was an intruder. Four years after his appointment to Salisbury, namely in 1528, he came to England: but it was not to visit his English diocese. He came as a papal legate to hold, in conjunction with Cardinal Wolsey, a court to adjudicate in the weighty matter of the validity or nullity of King Henry's marriage with Catherine of Aragon. In accordance with instructions received from Rome he came to no conclusion, and referred the matter back to the Pope. He was deprived of his purely temporal connexion with Salisbury by the same Act of Parliament as that which extruded Ghinucci from Worcester.

A third intrusion into an English see during the latter part of the reign of Henry VIII was also effected by a Pope. The Parliamentary extrusion of Ghinucci from the see of Worcester would of course be ignored at Rome, and when Cardinal Ghinucci died at Rome on July 3, 1541, his death would be regarded at Rome as having created a vacancy at Worcester. Accordingly, five days after Ghinucci's death, on July 8, 1541, Pope Paul III by Bull of Provision appointed Richard Pate to be Ghinucci's successor in his English see; and no doubt Pate was consecrated at Rome shortly afterwards. But the see of Worcester was by no means vacant at the time of Ghinucci's death. After his extrusion in 1534 the see had been filled first by Hugh Latimer (1535 to 1539), and then by John Bell (1539 to 1543); and both of these Bishops had been canonically elected, confirmed, and consecrated. Consequently from every point of view Pate's intrusion was absolutely devoid of spiritual validity. He was no doubt a Bishop, but he was not Bishop of Worcester. Pate remained on the Continent until some time after Mary's accession to the throne, and in March 1555, the see of Worcester having become vacant by Heath's translation from Worcester, where he was a canonical diocesan, to York, where he was an intruder, Mary made restitution of the temporalities of Worcester to Pate; but nothing was done to cure the invalidity of his original appointment to Worcester in 1541 at Rome. Accordingly, during the four years of his administration of the diocese of Worcester (1555 to 1559) he remained an intruder. In June 1559 he was extruded from the temporalities of the see, and a few days later the spiritualities, which had never really belonged to him, came into the hands of the Dean and Chapter of Canterbury, as guardians during the vacancy of Worcester, the metropolitanical see being at that time also vacant.

Pate's original intrusion, which governed the whole of his career as a Bishop, took place during the reign of

Henry VIII. There were no other intrusions during the thirteen years of that reign, which we have been considering. We therefore proceed to discuss the intrusions during the reign of Edward VI. They were four in number, and had to do with the sees of London, Winchester, Worcester, and Chichester.

Nicholas Ridley was intruded on April 1, 1550, by Royal Letters Patent, which professed to translate him from the see of Rochester, where he was the canonically appointed Bishop, to the see of London which was not vacant. The duly elected and duly consecrated Bishop of London at that time was Dr. Edmund Bonner, who had never been deprived of his spiritual jurisdiction by any ecclesiastical court, whether competent or incompetent. He had been deprived on October 1, 1549, by a special commission appointed by the privy council, a body which exercised the royal authority during the minority of the boy-king, Edward VI. The pretended translation of Ridley was therefore in every respect a bare-faced intrusion. The intrusion came to an end by the sentence of a similar commission appointed by Queen Mary a few weeks after her accession. By that sentence Bonner was restored to the exercise of his episcopal authority, an authority of which he had never really been deprived. It was in every way just and laudable that the royal authority exercised by Mary should undo the wrong inflicted by the royal authority exercised nominally by Edward, but really by his unscrupulous privy council.¹

John Poynt, who had been consecrated validly to the see of Rochester on June 29, 1550, was translated by Royal Letters Patent to Winchester on March 23, 1551. Letters Patent of the King are not able to convey the right to exercise spiritual jurisdiction freely in the diocese to which they profess to appoint. From a spiritual point

¹ The reader will of course realize that I am not comparing either the characters or the opinions of Ridley and Bonner; I am looking at the matter simply from the point of view of their respective claims to exercise spiritual jurisdiction as Bishops in the diocese of London during the period of time which elapsed between April 1550 and August 1553.

of view this appointment was therefore null and void. But besides that fundamental defect, the see of Winchester was not vacant. Stephen Gardiner, though appointed to Winchester by papal bull, dated October 20, 1531, was consecrated in England and no doubt by English Bishops on November 27, 1531. He was never canonically deprived, and was therefore, till his death in 1555, the canonical occupant of the see. Poynet's transference to Winchester was not only in itself null and void, but it was so also because it was an intrusion into a see already occupied. The intrusion was ended by Mary extruding him in 1553.

John Hooper was intruded by the King's Letters Patent dated May 20, 1552, into the see of Worcester, which was already occupied by Nicholas Heath, who had been canonically translated to that see from Rochester on February 20, 1544, and had not been deprived of his spiritual jurisdiction over the diocese by any competent authority. Hooper's intrusion came to an end on March 20, 1554, when Queen Mary, acting by a commission, deprived him of his "pretensed" bishopric, to the administration of which Heath had been restored about six months before.

John Scory was transferred by Letters Patent, dated May 23, 1552, from Rochester to Chichester, the see of which was already occupied by George Day, who had been canonically consecrated to it on May 6, 1543, and had not been canonically deprived. Scory was therefore an intruder. His intrusion ceased, when he was extruded by Queen Mary between July 13 and August 24, 1553.

We now pass on to the intrusions which took place during the reign of Queen Mary. There were six of them, and they had to do with the sees of Exeter, Lincoln, St. David's, Hereford, Exeter again, and York.

John Voysey had been consecrated to the see of Exeter on November 6, 1519; but had resigned his see on August 14, 1551. On September 28, 1553, Queen Mary by mandate replaced him in his former see; but

during the interval the see had been validly filled by the consecration to it of Miles Coverdale, who, when Voysey was replaced in it in 1553, had not been canonically deposed. Voysey's second tenure of office was therefore an intrusion, which however was brought to an end on October 23, 1554, by Voysey's death.

It will be best to take the second intrusion into the see of Exeter at once, although chronologically it should come slightly later. Eleven months after Voysey's death, namely on September 8, 1555, James Turberville was consecrated to the see of Exeter; but Miles Coverdale was still alive and was still the true Bishop of Exeter. Turberville was therefore an intruder. He was extruded by Elizabeth, and the intrusion came to an end before November 16, 1559, on which date the spiritualities of the see, owing to the vacancy at Exeter, were in the hands of the Dean and Chapter of Canterbury, the metropolitical see itself being at that time also vacant. Coverdale does not seem to have formally resigned the see; but he had expressed his wish not to be re-instated in it; and he desired that someone else should be appointed to it. Technically, from a spiritual point of view, he remained Bishop of Exeter until, with his approval, in July 1560, William Alley was canonically consecrated to it.

John White was consecrated to the see of Lincoln on April 1, 1554; but John Taylor had been validly consecrated to that see on June 26, 1552, and had not been canonically deprived. White was therefore an intruder. But the intrusion in Lincoln ceased, when, by a Bull of Provision dated July 6, 1556, White was irregularly transferred by Pope Paul IV to Winchester, where the see was vacant by the death of Gardiner on November 12, 1555. White must necessarily have resigned the see of Lincoln, before he could be transferred to Winchester.

Along with John White, on the same day and in the same church, St. Saviour's, Southwark, were consecrated five other Bishops, and among those five was one who, like White, was to be an intruding Bishop. This was

Henry Morgan consecrated to the see of St. David's. But that see was not at that time vacant. Robert Ferrar had been validly consecrated to it on September 9, 1548, and had not been canonically deprived. Morgan was therefore an intruder. His intrusion lasted till some date before September 16, 1559, when the spiritualities of the see were in the hands of the Dean and Chapter of Canterbury, the metropolitical see being vacant. He was extruded by Queen Elizabeth acting through a commission of laymen. This would of course have been an outrageous act, if Morgan had been the authentic Bishop of St. David's; but he was an intruder, and could be extruded by the civil power acting constitutionally.

Robert Parfew had been canonically consecrated to the see of St. Asaph on July 2, 1536. On July 6, 1554, Pope Julius III promulgated in Consistory a decree by which he promoted Parfew to be Bishop and Pastor of the Church of Hereford, he having previously resigned the see of St. Asaph.¹ This promotion was from the Catholic point of view in itself null and void. The Bishop of Rome had no more power to appoint a Bishop of Hereford than the Patriarch of Constantinople or the Archbishop of Toledo had. But the promotion was also null and void for another reason. The see of Hereford was not vacant. John Harley had been validly consecrated to that see on May 26, 1553, and had not been canonically deposed. Parfew was therefore an intruder. The intrusion came to an end on September 22, 1557, the date of Parfew's death.

Nicholas Heath had been canonically consecrated to the see of Rochester on April 4, 1540, and, as has been already mentioned,² had been canonically translated to the see of Worcester on February 20, 1544, and since that date had not been canonically deprived. But on June 21, 1555, Pope Paul IV in Consistory promulgated

¹ See W. Maziere Brady, *Episcopal Succession*, edit. Rome, 1876, vol. ii. p. 296.

² See above, p. 210.

a decree by which he professed to promote Heath, after he should have resigned the see of Worcester, to the metropolitan see of York.¹ For the reasons, mentioned in the immediately preceding paragraph in connexion with the pretended promotion of Parfew to Hereford, this papal promotion of Heath to York must be set down at once as in itself null and void. Moreover, as in the case of Parfew, this pretended promotion of Heath to York was also null and void, because the see of York was not vacant. Robert Holgate, who had been canonically consecrated to the see of Llandaff by Bishop Fisher and others on March 25, 1537, had been canonically translated to York on January 16, 1545, and had never been canonically deposed. The result was that Heath, who during fifteen years had exercised his spiritual jurisdiction in two successive sees, Rochester and Worcester, became by his acceptance of this pretended translation to York an intruder with no metropolitan or diocesan spiritual jurisdiction whatever.

Heath's case is the last of the six intrusions which were perpetrated during the reign of Mary. We must pass now to the consideration of the intrusions during the long reign of Elizabeth. These were also six in number, and had to do with the sees of London, Lincoln, Bath and Wells, Peterborough, Chester, and Lincoln again.

The first of the Elizabethan intruders was Edmund Grindal who was consecrated to the see of London on December 21, 1559, after election by the Chapter of St. Paul's, and confirmation by Archbishop Parker. Unfortunately the see of London was not vacant. Edmund Bonner had been canonically consecrated to the see on April 4, 1540, and had never been canonically deprived; and therefore Grindal's occupation of the see was an intrusion, which, however, came to an end when, after Archbishop Parker's death, Grindal was canonically translated to Canterbury on February 15, 1576.

¹ See W. Maziere Brady (*op. cit.*, vol. ii. p. 302).

Nicholas Bullingham was consecrated on January 21, 1560, to the see of Lincoln after election and confirmation, but in this case also the see was not vacant. Thomas Watson had been validly consecrated to Lincoln on August 15, 1557, and had never been canonically deposed; and consequently Bullingham was an intruder. The intrusion lasted until Bullingham was canonically translated to Worcester on January 26, 1571, a date which preceded Watson's death by nearly fourteen years.

The long survival of Watson resulted in a second intrusion at Lincoln. Thomas Cooper was consecrated to Lincoln after election and confirmation on February 24, 1571; but, as has been pointed out, Watson, the canonical Bishop, survived, and Cooper was therefore an intruder. The intrusion came to an end when Cooper was canonically translated to Winchester on March 23, 1584.

Gilbert Berkeley was consecrated to the see of Bath and Wells on March 24, 1560, after election and confirmation; but Gilbert Bourne was at that time the real Bishop of that see. He had been validly consecrated to Bath and Wells on April 1, 1554, and had never been canonically deposed. Berkeley was therefore an intruder, and the intrusion lasted until his death on November 2, 1581.

Edmund Scambler was consecrated to Peterborough on February 16, 1561, after election and confirmation; but David Poole was the real occupant of the see. He had been validly consecrated on August 15, 1557, and had never been canonically deposed. Scambler was therefore an intruder, and his intrusion lasted until his canonical translation to Norwich on January 15, 1585.

William Downham was consecrated on May 4, 1561, to the see of Chester after election and, presumably, also confirmation; but the record of confirmation does not appear to have been found. On the other hand, Cuthbert Scott was undoubtedly the real Bishop of Chester. He was assuredly consecrated in England after election at

Chester and provision at Rome. He was consecrated probably on some date intervening between July 6, 1556, the date of his provision, and September 29 of the same year, when the temporalities of the see were restored to him; and there seems to be little if any doubt that he was a validly appointed Bishop of Chester, and he was never canonically deprived of his see, and he did not die till the year 1565. Consequently William Downham was an intruder, and his intrusion lasted until his death on December 3, 1577.

Summing up the results of this rather intricate discussion, it would appear that the Popes intruded three Bishops into English sees during the reign of Henry VIII, and that Queen Mary, sometimes acting alone and sometimes aided by the reigning Pope, intruded six more, making what may be called nine Roman intrusions. Two of these nine intrusions were actually initiated before the year 1534; but the intrusions lasted on, and the intruded Bishops were still intruding after the year 1534 had commenced.

As regards non-Roman intrusions, four took place during the reign of Edward VI, and six during that of Elizabeth, making ten in all. So that, so far as the two contending parties were concerned, the nineteen intrusions were very evenly divided.

I cannot within the limits of this paper discuss in the same full way the canonical character of the diocesan status of the non-intruded occupants of English sees during the period under review (1534 to 1603). I merely state, as the result of my investigations, largely helped by Mr. Lea's admirable tables, that, during the period indicated above, in 126 cases the diocesan status, resulting from either consecration or translation, was fully canonical and therefore in the highest degree regular and valid: and that in thirty-eight other cases, where the essentials were preserved though the process of appointment was defective in some respects, the resulting diocesan status was also valid, though irregular and not fully canonical.

In most of these irregular cases there was no provincial confirmation, but in lieu thereof either papal provision or Royal Letters Patent. In such cases, if the elect received provincial consecration, the defect in canonicity was cured by the action of the consecrators sufficiently to ward off invalidity. The matter was much more serious in the case of translations, when normally the elect had been consecrated on his appointment to his first see and of course could not be reconsecrated.

Besides the 164 cases referred to above, there were also a few others, perhaps twelve in all, where the defects of canonicity were so serious that it is impossible to allow that there was any valid tenure of the see; but nevertheless there was in these cases no intrusion into a see canonically, or at any rate validly, full. The position may be described as follows. The see was really vacant, and a Bishop without a see was in temporary charge of the diocese. Following Mr. Lea, one may describe such Bishops as acting Diocesans. Altogether, during the whole period under review one has had to deal with 195 cases, of which only nineteen were intrusions, and most of these intrusions were of relatively short duration. In 1585, on the translation of Bishop Scambler of Peterborough to Norwich, the last intrusion of the Reformation period came to an end.

It will be seen from this summary, which I believe to be at least substantially correct, how very mistaken is the notion still held, I fear, by some people who ought to know better, that the episcopate of the Church of England during the seventy years which we have been considering, was canonically in a state of chaos; and that the Elizabethan Bishops in particular were intruders, and therefore without spiritual jurisdiction. There were certainly six intruding Bishops out of seventy-eight¹

¹ Two or three included in the number 78, although they were admitted as new members into the English diocesan episcopate during Elizabeth's reign, were admitted into it not by consecration but by translation from Irish sees, such as Limerick, or from titular sees of diocesan suffragans, such as Nottingham.

Bishops consecrated and twenty-nine translated to English sees during Elizabeth's reign. That seems to me, considering the character of the period, to be a very small proportion. During the reign of Mary there were six intruders out of twenty-four appointments, a very much larger proportion.

I hope that what I have written in this paper will help some readers, who have followed my argument, to understand that the confusion arising from an asserted lack of spiritual jurisdiction in the Elizabethan Bishops has been very much exaggerated. There was *some* confusion; but it was proportionately much less than the confusion in the reign of Mary; and it was enormously less than the confusion in France which resulted from the suppression of sees by the revolutionary Government, followed later on in 1801 by the monstrous annihilation of the ancient and illustrious Church of France, and its reconstruction on a totally different basis by Pope Pius VII, acting in obedience to the peremptory requirements of the First Consul, Napoleon Bonaparte. That iniquitous proceeding resulted in a schism which was still in existence in 1870.

I hope also that the facts which have been brought together here will tend to show how important it is for the canonical processes of election and confirmation to be preserved, and the serious danger which would result from the substitution of the Letters Patent of the Crown in lieu of those canonical processes, more especially when Bishops are to be translated and not consecrated.

PART VI

THE PATRIARCHAL SYSTEM AND THE CANTERBURY PATRIARCHATE

AT the recent Synod of the diocese of Capetown¹ two constitutional questions of great interest and importance were discussed. Of these, the question of the retention of the third Proviso in the first Article of the Constitution has perhaps attracted most attention. That question depended for its solution on the view which might be taken of the relations which ought to exist between the Church and the State. The other question that was brought into debate was of a less mixed character, and related to matters connected with the internal organization of the Church. These matters of internal ecclesiastical organization are perhaps of less interest to the general public, but it is of great importance that they should be studied by thoughtful Churchmen both at home and in the colonies, for the rapid growth of the Anglican communion will necessarily bring them more and more to the front.

The Synod at Capetown was asked to give its assent to the following proposition: "That it is in accordance with the law of the Church's organization, that all branches of a National Church should be subject to the supreme ecclesiastical Head of that Church, whether called Patriarch or Primate, or by whatever other title." The Synod was also asked to declare² that the See of Canterbury is a see possessing Patriarchal powers, and that the

¹ Reference is made to the diocesan Synod of Capetown held in 1884.

² The full text of the Resolution submitted to the Synod ran as follows: "That this Synod, believing it to be in accordance with the law of the Church's organization, that all branches of a National Church should be subject to the

diocese of Capetown forms part of the Canterbury Patriarchate. The Resolution which embodied these various propositions, and which has been given below in the note, was negatived in the lay house by a considerable majority. A discussion of the whole Resolution would take up more space than could be conveniently afforded in this Paper. I propose therefore to leave on one side all those parts of the Resolution which have to do with local South African matters, and to confine myself to those more fundamental clauses which deal with subjects affecting the whole Anglican Communion, and in a measure the whole Catholic Church.

What I have to say may be ranged under two heads. First I shall try to show that the idea of a universal Patriarchal system forming part of the authoritative custom and law of the Catholic Church is a fallacious idea, having no solid ground in history and Church legislation. And, secondly, I shall attempt to disprove the notion that the See of Canterbury has any claim to be considered Patriarchal.

1. I believe that it will be very generally admitted that not long after the death of St. John the Church found herself organized on the lines of a system of independent provinces, each province being headed by an independent (autocephalous) primus or metropolitan. Bishop Beveridge has tried to show from the canonical books of the New Testament that this provincial system was in force during the Apostles' lifetime, and Bishop Cotterill, of Edinburgh, in his "Genesis of the Church," arrives, if I remember rightly, at a similar conclusion.

supreme ecclesiastical Head of that Church, whether called Patriarch or Primate, or by whatever other title, and recognizing in the origin of the Church of this Province, in the Nationality of at least four of its Dioceses and in the submission of its Metropolitan to the Archbishop of Canterbury by the oath taken at his consecration, sufficient proofs that the supreme ecclesiastical Head of the Church of England is according to the Church's custom and law the supreme ecclesiastical Head of the Church in this Diocese, hereby affirms its allegiance to the Archbishop of Canterbury, and its determination to claim from him, as by canonical right, all such offices as can be exercised by a Patriarch towards his subject Churches."

But whether or no the system of provinces was established during the Apostolic age, there can, I think, be no reasonable doubt, that in the second century of our era the provincial organization had been accepted in most if not all parts of the Catholic Church. The discussions on the Paschal controversy took place in Provincial Synods, and in those Synods the Bishops of the metropolitan sees as a rule presided. I suppose that no one will seriously contend that during the Ante-Nicene age any traces of a Patriarchal *system* can be discovered. It may indeed be granted that before the Council of Nicaea the See of Carthage had acquired quasi-Patriarchal powers over the various provinces of North Africa. In North Africa the senior Bishop of each province presided over the Synod of the province, while the Bishop of the see located in the civil metropolis of the province had no special authority or pre-eminence. If the North African provinces had been autocephalous, such an arrangement would soon have been found inconvenient in all transactions involving communications with the Churches of Europe and Asia. It would be far easier for foreign Bishops to keep up a correspondence with the Bishop of a fixed see, known to all the faithful as the presiding see, than to be sending messengers to small towns situated in the interior of Numidia or Mauritania, in which the Bishop might happen for the time being to be the senior Bishop of the province. Accordingly the See of Carthage retained the primacy over all North Africa; and the Bishop of Carthage not only presided over his own home province; but he also summoned plenary Synods of the whole North African Church, which were attended by the provincial primates and their suffragans. Here we have the germ of a real Patriarchate. But in the Ante-Nicene age this Patriarchal arrangement was peculiar to North Africa. Special causes led to a special type of organization. Elsewhere the metropolitan Bishops had no ordinary hierarchical superior. No doubt the influence of the different Metropolitans varied very considerably.

Most of them presided over the Bishops of a single civil province ; but in Egypt one ecclesiastical province included several civil provinces, and in Southern Italy the ecclesiastical Province of Rome extended over all the ten suburbicarian provinces of the Empire. Nevertheless the jurisdiction of Rome and Alexandria was distinctly Metropolitan and not Patriarchal. There were no subordinate Metropolitans or Primates subject to those powerful sees. The system was a provincial system, though the provinces might vary in size. I will sum up what I have said on this head by referring to a very unexceptionable witness, viz. Balsamon. I call Balsamon an unexceptionable witness because his surroundings would have tended, I think, to make him ultra-Patriarchal in his theories. He was himself a Patriarch, occupying, as he did, the See of Antioch. Moreover, he was a Patriarch of the Eastern Church at a time when the whole of the Church in the Eastern Empire, with the exception of Cyprus, was organized in a system of Patriarchates. There would have been no cause for astonishment if one had found Balsamon representing the Patriarchal system as the original and primitive system of the Church. But as a matter of fact Balsamon says that up to the time of the second Oecumenical Council, held in A.D. 381, all Metropolitans were autocephalous and subject to no other Prelate as their Head.¹ In confirmation of this view reference may be made to the fact that the Council of Nicaea recognizes the Provincial Synod as the final court of appeal for all causes.

It was the second and fourth of the Oecumenical Councils which established in the East the Patriarchal system. It is important to notice that the canons of those Councils, which bear on the subject, had reference to the Eastern Empire only. There is no trace of any attempt to divide the whole Church into Patriarchates, and thus to put an end to the original independence of the separate provinces. The Bishops who met at Constantinople

¹ See Bingham's *Antiquities*, ii. xvii. 7: *Works*, vol. i. p. 201, n. 41.

and Chalcedon were almost all Eastern Bishops, and their legislative action, so far as it had to do with discipline, had reference to the East, and to the East only. The Council of Constantinople decreed that the Bishops of the Patriarchate (*διοικήσεις*) of Pontus shall settle the affairs of Pontus, and those of Thrace the affairs of Thrace, and those of Asia the affairs of Asia. And the Council of Chalcedon, while granting an appeal from the Metropolitan to the Exarch or Patriarch, gives as an alternative the right to appeal to the Patriarchal throne of Constantinople. The alternative shows how purely Eastern the whole arrangement was. No one, of course, dreamed of granting an appeal from Spain or Britain to Constantinople. It would be easy, I think, to show that the East originally adopted the Patriarchal system as a balance to the Imperial power, although the Emperors were not slow to discover methods by which they used the system as an instrument for enslaving the Church. But it must be borne in mind that even in the East all Patriarchal power rested on positive legislation only. Certain particular groups of provinces were by legislation subordinated to some particular presiding see; but outside of those specially named groups, the original independence of provinces remained. Cyprus, for example, and Iberia (*i.e.* Georgia) were autocephalous, not by the grant of any privilege, but by the common law of the Church confirmed by the Great Council of Nicaea, and afterwards in the case of Cyprus reconfirmed by the Council of Ephesus. Hence it follows that, even if we limit ourselves to Eastern precedents, the provinces of the Anglican Communion must be presumed to be autocephalous, unless definite legislation can be produced subordinating them to some Patriarchal See. The *onus probandi* lies on the deniers of provincial independence.

But it is when we turn to the West that the fallaciousness of the theory of a universal Patriarchal system stands out in the clearest light. In two parts of the West only was there anything like a Patriarch. As I have

already pointed out, North Africa was organized as a quasi-Patriarchate even in Ante-Nicene times ; and the Apostolic See of Rome was undoubtedly more powerful than any Patriarchal See, wherever situated. But, nevertheless, Rome had no true Patriarchal status. Rome held a primacy of honour and of influence, though not of jurisdiction, throughout the whole Church, but Patriarchate she had none, at any rate by Church law. The ten suburbicarian provinces were subordinated to the Pope, as their Metropolitan, not as their Patriarch. The other Western Provinces were autocephalous. There was no Patriarch in Western¹ Illyricum, nor in North Italy, nor in Spain, nor in Gaul, nor in Britain. It is no doubt true that some modern writers have drawn up lists of Patriarchal Sees in the West, assigning one such see to each of these divisions of the Empire, but these lists are the mere inventions of systematizers, and rest on no historical basis whatever. We are told, for example, that the Patriarchal See of Gaul was established at Lyons, *or* at Arles, *or* at Trier, *or* at Vienne. We may be quite sure that if there had been a real Gallican Patriarch, history would very soon make clear to us the situation of his throne.

As time went on the Pope began to claim powers which would have given him a right to the title of Patriarch of the whole West ; and in furtherance of his plans he was accustomed to delegate from time to time quasi-Patriarchal powers to the individual occupiers of certain special sees. Thus for some centuries the Bishops of Thessalonica were individually made the Pope's Vicars in Eastern Illyricum, and for a shorter period the Bishops of Arles were the Pope's Vicars in Gaul ; and similarly St. Augustine of Canterbury was made Vicar during his lifetime in Britain, though it was expressly provided that the Vicarial authority should cease at his death. But these Vicariates differed altogether from real

¹ In later times, during the schism of the Three Chapters, the Illyrian schismatics established a Patriarchate at Aquileia. The memory of this arrangement still survives in the titular Patriarchate of Venice.

Patriarchates. They rested on no basis of synodical authority, still less on immemorial usage. It was not the see which enjoyed any ordinary Patriarchal jurisdiction, but it was the individual occupier of the see, who at the Pope's pleasure received a very limited measure of delegated jurisdiction, a jurisdiction which the Roman Pontiff claimed the right to withdraw, and which he really had no right to give.

The ecclesiastical history of the West bears witness to the old Catholic system of independent provinces, which gradually and after many centuries of struggle succumbed to the Papal claims. This result was brought about by various causes, among which the interference of the civil power and the forgeries of the Pseudo-Isidore hold a prominent place.

On the whole, whether we look to the East or to the West, it seems utterly untrue to say that it is "in accordance with the law of the Church's organization, that all branches of a National Church should be subject to the supreme ecclesiastical Head of that Church, whether called Patriarch or Primate, or by whatever other title." It would be nearer the truth to say that it is in accordance with the law and custom of the Church that all provinces of the Catholic Church should be independent, except in those cases in which by special conciliar legislation they have been subjected to some Patriarchal See.

2. I proceed now to consider the allegation that Canterbury is a Patriarchal See. And first I would point out that, when the See of Canterbury was first founded by St. Augustine, acting under the authority of St. Gregory the Great, it was not *designed* to be a see enjoying Patriarchal or Primatial powers. St. Gregory intended that there should be two metropolitan sees in England, co-ordinate one with the other. One of these sees was to be established at York, the other at London. As a matter of fact the circumstances attending the beginnings of Christianity among the English led to the establishment of the Southern metropolis at Canterbury, instead

of at London. But the accidental change of the place in no way resulted in any change in the plan. St. Gregory's words are express, that the Bishop of York is to preside over the Bishops of his province, whom he is to ordain, and is in no way to be subject to the jurisdiction of the Bishop of London (" ita . . . ut Londoniensis Episcopi nullo modo ditioni subjaceat ").

So far as I have been able to discover, there is no trace in any genuine document of any subordination of the Archbishop of York to the Archbishop of Canterbury during the whole of what may be called the Saxon period. All the available evidence points to a relation of equality as existing between the two metropolitan sees. For example, in the year 634 Pope Honorius sent two palls, one for Honorius of Canterbury, and the other for Paulinus of York ; and in the letter accompanying the palls, addressed to Edwin, King of Northumbria, the Pope speaks of " utrorumque metropolitanorum," and declares that whichever of the two survives the other is to consecrate a successor to fill the vacant throne. St. Bede, describing this arrangement, puts the two prelates on an equality, and says : " Is qui superest, *consors ejusdem gradus* habeat potestatem alterum ordinandi." Another fact, bearing on this matter, may be noticed. A series of documents has been preserved, in which are recorded the professions of faith and obedience made by various Bishops to the Archbishop of Canterbury during the Saxon times ; but among them all there is no genuine instance of a profession of obedience made by an Archbishop of York to the Archbishop of Canterbury, as his Primate or Patriarch. It is true that Collier refers to a profession of obedience made by Eadulf of York to Ethelheard of Canterbury, in A.D. 796, and the document is printed in Haddan and Stubbs,¹ but Bishop Stubbs, in a note, says :

" Bishop Eadulf is called in this document ' Eboracensis ' but the word is clearly an interpolation inserted to uphold the claims of

¹ *Councils and Ecclesiastical Documents*, iii. 506, 507.

Canterbury to the obedience of York in the eleventh century. The only Archbishops of York who were contemporaneous with Ethelheard were the two Eanbalds, *who were never subject to Canterbury*. . . . There can be no doubt that Eadulf was the Bishop of Lindsey of that name."

It was not until after the Conquest that Canterbury put forth a claim to exercise primatial jurisdiction over York. This claim was discussed in the year 1072, at the two Councils of Winchester and Windsor, and finally judgement was given in favour of Canterbury. Let us consider the events which prepared the way for this result. More than two centuries had elapsed since the Pseudo-Isidorian decretals had been forged and published. One main object of those decretals was to depress the status and power of Metropolitans. Among other devices for the accomplishment of this end, the forger invented an order of Primates, which he interposed between the Metropolitans and the Pope. He probably took the idea from the Chalcedonian canons about Exarchs, which, as we have seen, were intended to apply to the Eastern Empire only. Anyhow, from whatever source the idea was taken, it was introduced to the West by the Pseudo-Isidore. It was a long time, however, before the system of the Forged Decretals was reduced to practice. But at the time of the Norman Conquest Hildebrand was the leading spirit at Rome, and Hildebrand's conception of Church government was based on the system of the Decretals. It was undoubtedly the Hildebrandine movement which caused primacies to spring up like mushrooms. Thus Canterbury was declared to have primatial jurisdiction in 1072; Lyons obtained the primacy over Gaul in 1079; Toledo over Spain in 1088; Lunden over Scandinavia in 1150. Anyone who will take the trouble to study Hildebrand's letter to Gebuinus, Archbishop of Lyons, in which he defines that Lyons has primatial jurisdiction over the four provinces of Lyons, Rouen, Tours, and Sens, will see that the Pope's decision was based entirely upon the Forged Decretals. These

Decretals supplied the ideal of ecclesiastical organization to the great Churchmen of that age, and we can therefore quite understand that Lanfranc, when he left his monastery at Caen, and came over to England, was prepared to find that Canterbury exercised or ought to exercise primatial jurisdiction over the whole island. Very probably the claim made by Lanfranc would have been rejected, if the old English traditions had been securely guarded. But the Conqueror had filled most of the English sees with Norman ecclesiastics, who had no traditional knowledge of the relations which had previously existed between the two English metropolitan thrones, and consequently the centralizing policy of Lanfranc was pushed on to a successful issue, unchecked by any solid conservative opposition.

But although there can be no doubt that it was the Isidorian forgeries which suggested the Primatial idea to Lanfranc, yet as a matter of fact it was not to them that he appealed in the two Councils which authoritatively established the validity of his claim. At Winchester and Windsor the case for Canterbury was based on purely English precedents. It was proved from the Ecclesiastical History of St. Bede that Archbishop Theodore of Canterbury had presided at a Council at York, and had exercised jurisdiction north of the Humber. But it was forgotten that there was no Archbishop of York until two years after the death of St. Bede. Before that time all England was organized as one ecclesiastical province. It is true that the Pope sent a pall to St. Paulinus, the first Bishop of York, but before he received it, he had been driven by the heathen Mercians from his see, and he spent the remainder of his life as Bishop of Rochester. After that, the country north of the Humber was re-evangelized by the Celtic missionaries from Iona, who had a peculiar monastic organization of their own in which provinces and Metropolitans and Archbishops found no place. Then, when the Celtic peculiarities were finally given up, the Northumbrian dioceses were subject to the metro-

politan jurisdiction of Canterbury for about seventy years, and it was not until the year 735 or 736 that York at length became an archiepiscopal see. As St. Bede died just before that event took place, it was from the nature of the case impossible that any trace should be found in his History of the subjection of a Metropolitan at York to a Primate at Canterbury. Thus the evidence from Bede fails to establish the point, in support of which it was alleged by Lanfranc; and if the case were re-argued now that evidence would certainly be set aside as irrelevant. However, the eleventh century was not a critical age, and there is nothing astonishing in the fact that Lanfranc's claim was admitted by the Councils of Winchester and Windsor. Moreover, Lanfranc relied on other proofs, which seemed to corroborate the deductions which he drew from Bede. He produced before the two Councils a series of ten documents, which purported to be letters written from the Romish See to various English kings and prelates. On the hypothesis of the genuineness of these letters, the earliest of them was addressed by Boniface IV to Ethelbert, King of Kent, in 610, and the latest by John XIII to St. Dunstan, in the middle of the tenth century. These ten letters agree in representing the see of Canterbury as having all along been intended to exercise a primatial supremacy over York. The letters are given in William of Malmesbury's "*Gesta Pontificum*." However, there seems to be little doubt that the whole series was forged with the view of establishing Lanfranc's claim. Bishop Stubbs¹ has shown that they differ "irreconcilably" from the genuine Papal letters given by Bede, and he concludes that their own genuineness is "exceedingly questionable." It would seem, therefore, that the whole of Lanfranc's case breaks down, and the synodical decision in his favour appears to have been based on a series of mistakes. For the time, however, Canterbury was triumphant and St. Anselm, who succeeded Lanfranc, was addressed by Urban II as "Papa

¹ *Councils and Ecclesiastical Documents*, vol. iii. p. 66.

alterius orbis." But after a while York recovered its original independence, and it retains that independence to the present day.

It is, of course, perfectly within the right of anyone to argue that it would be a desirable thing to invest the see of Canterbury with the Patriarchal status and jurisdiction, and that it would be well to subordinate to Canterbury, as Patriarch, all the provinces of the Anglican Communion, or at any rate all the Anglican provinces within the political boundaries of the British Empire. For myself, if I may venture to express an opinion, I very much doubt the wisdom of such an arrangement. But that question was not brought before the Capetown Synod, and, therefore, I refrain from pursuing it any further.

The claim on behalf of the see of Canterbury, which was pressed on the Synod's acceptance, was, not that it would be well to invest it *hereafter* with Patriarchal authority, but that it was *already* in legitimate possession of that authority, and that it was the duty of the South African province to affirm its allegiance to the Archbishop as its "supreme ecclesiastical Head." Various results of a revolutionary nature were to follow from such recognition.

I venture to hope that most English Churchmen will feel thankful that the Synod so emphatically negatived these very radical proposals, and further that it distinctly repudiated the unhistorical theory which was set forth as their theoretical justification.

PART VII

THE RELATION OF RELIGIOUS TO THEIR BISHOPS

PREFATORY NOTE (WRITTEN IN 1897)

THE following paper was read in August 1893 at a meeting of professed Fathers of the Society of St. John the Evangelist, held at the Mother House of the Society in Cowley St. John.

In order that the paper may be rightly understood by those who may happen to see it, it seems desirable to explain that it is expressly laid down in the fourth Statute of the Society's Constitution that "the Visitor shall be a Bishop of the Church of England, to be nominated by the Superior General, with the consent of the majority of the Professed Fathers."

As a matter of fact, the Visitor of our Society has always, except for a very short interval, been the Bishop of Oxford for the time being. The only exception to that state of things resulted from the fact that when Bishop Mackarness of Oxford resigned his see, he retained his position as Visitor of the Society until his death. When he died, the Society asked Dr. Stubbs, the present Bishop of Oxford, to accept the post of Visitor, and the request was most graciously granted.

But in 1893 it was proposed that the fourth Statute should be altered, and that the Bishop of Oxford for the time being should be recognized as having an inherent right to be the Visitor of a Society whose Mother House was situated in the diocese of Oxford.

The Society, however, came to the conclusion that no

such inherent right existed, and that it was inexpedient under the existing state of things to annex the Visitorship of the Society to the Bishopric of Oxford, by altering the fourth Statute in the way proposed.

This result was arrived at after a long discussion, in the course of which the paper, which follows, was read.

It has seemed good to the Father Superior General that the paper should at the present time be printed. The subject of the relation of Religious to their Bishops is going to be discussed at the approaching Lambeth Conference, and it has been thought that the paper, although it was written with a view to one special aspect of the subject, may help to throw light on the whole question.

F. W. PULLER, S.S.J.E.

The Mission House, Cowley St. John, Oxford.

July 2, 1897.

In the earliest stage of the Dedicated Life, when the ascetics, whether male or female, took vows of celibacy and lived a very severe life of abnegation, but did not retire into deserts or into monastic and cenobitic communities, "the greatest freedom," as Duchesne says,¹ "presided over their entry into the virginal estate. No ceremony consecrated its beginning."

Later on these dedicated persons were ranked next to the clergy and above the rest of the laity; they were given a special place of honour in the assemblies of the Church for worship, and special mention was made of them in the prayers. Receiving thus from the Church special honours and privileges, it is no subject for wonder that they came into closer relations with the Bishops, at least to this extent, that a virgin if she was to be recognized publicly as such, had to be veiled by the Bishop or by his deputy. There was no similar ceremony for men. *Their* primitive freedom seems to have continued.

¹ *Origines du Culte Chrétien*, pp. 406, 407.

Of course the primitive ascetics were in no way exempted from the ordinary control of the Bishops. If they were lay people they shared with other lay persons the ordinary subjection of a layman to his Bishop. If they were clergymen they shared with other clergymen the subjection of a clergyman to his Bishop. But the fact of their being dedicated to the celibate and ascetic life brought them into no fresh relation to the Bishop.

I do not think that there is the least evidence that monastic communities, when they began to grow up, were in any special way subject to the Bishop. The members of them were individually subject, whether as clergymen or laymen. Probably, however, the tendency at first was not to greater subjection, but to a claim of greater freedom. St. Epiphanius seems to have thought that he was at liberty to ordain St. Jerome's brother, Paulinianus, although he held the ordination outside of his own diocese, because he did it in a monastery. He seems to imply that a monastery was an exempt place. Whether his view of the case was correct or not, it shows the tendency of the time. To me it would seem that any such claim to exemption from the Bishop's ordinary authority is to be entirely deprecated. Religious as such ought to claim no exemption, and ought also to be burdened with no disabilities. However, the tendency to claim exemption from the Bishop's ordinary authority must be emphasized, in order that we may understand aright the fourth Canon of the Council of Chalcedon, which decreed that "the monks in every city or place shall be subject to the Bishop." I do not think that there is the least proof that this Canon gave any authority to the Bishop to interfere in the internal arrangements of the monastic houses. It seems to me to be an assertion of his ordinary authority over the monks. Dr. Bright says¹ that "this Canon was directed against irregular and anarchical tendencies which had shown themselves among the monks of the East, and had produced results at once

¹ "Notes," p. 138.

scandalous and tragical during the recent Eutychian controversy." The Canon was not proposed either by the Bishops or by the monks ; it was "proposed by the Emperor in person," for the Bishops' consideration. The Emperor no doubt had in view the interests of public order, not the internal discipline of the religious communities.

However, if the "subjection" decreed by the Chalcedonian Canon really gave to the Bishops a jurisdiction within the monasteries, it was something perfectly new, and the arrangement made by the Canon was not accepted in the West. Neither in East nor West was any *inherent* right to the Bishops to interfere in things pertaining to the religious life recognized. If such a right was created by the Chalcedonian Canon, which I very much doubt, it was a *new* right resting on *positive* legislation, and that positive legislation was limited in its scope to the East. Most of the Chalcedonian disciplinary legislation was limited in its scope to the East. Several of the Canons, *e.g.* the ninth, would have had no meaning in the West.

Let us turn now to the West, and begin with Gaul. St. Martin of Tours was the first great propagator of monasticism in Gaul. St. Martin was himself a Bishop. He combined the two offices of Bishop and Abbot, so that it is not easy to discover what in his view was the exact relation of the Bishop *quâ* Bishop to the monastic community. There is proof, however, that in 674 the Bishop of Tours had no authority in the basilica and monastery of St. Martin of Tours, except only the ordination of priests and deacons and the providing of chrism.¹ However, that was three hundred years after the time of St. Martin, and does not count for much.

The next great monastic centre in Gaul was Lerins, founded about A.D. 405, by St. Honoratus. The custom at Lerins was that the monks *quâ* monks should be subject to their Abbot, but that such monks as were clergymen were subject to the Bishop of Fréjus, the Diocesan, as

¹ Mabillon, *Ann. Ben.* i. 523.

regards their clerical ministrations. St. Leontius was Bishop of Fréjus at that time. About fifty years after the foundation of the monastery, the then Bishop of Fréjus began to claim the right to meddle with the internal concerns of the monastery. A council of the Bishops of Southern Gaul was held at Arles, in 455 or 456, a few years later than the Council of Chalcedon, and they decided that their brother-Bishop was quite wrong, and that he could only claim to control the clerical ministrations of the clerical monks. Mabillon says¹: "This is that celebrated decree of Arles, which provided the model for the subsequent privileges of monasteries"

The principle which underlay the decree of Arles was also acted on in North Africa. Many of the monasteries there claimed and exercised the right to choose their own episcopal visitor. A certain Bishop, Liberatus, attempted to invade the freedom of one of the monasteries in his diocese. The Abbot appealed to the plenary council of the North African Church, assembled under the presidency of Boniface of Carthage, in A.D. 525. The council formulated its decision as follows, in general terms, which applied to all the North African monasteries: "All the monasteries shall be in the future, *as they always have been in the past*, altogether and in every way free from the subject condition of clerics, yielding obedience only to themselves and to God" (*sibi tantum et Deo placentia*).

Ten years afterwards this decision was confirmed by another plenary council of North Africa, assembled at Carthage under the presidency of Boniface's successor, Reparatus, in A.D. 535. The wording of the decision is most important. It will be found in Coleti, v. 931, 932. The right to ordain monastic clerics and to consecrate the monastic oratories is reserved to the diocesan Bishop; but apart from those two reserved rights, the monasteries are to enjoy "libertate plenissima." The Bishop is forbidden to make any appointment "*quamvis levissimam*" in the monasteries of his diocese, excepting only the ordination

¹ *Ann. Ben.* i. 18.

of clerics, if the monks wish to have some ; “ for,” as the council says, “ the monks ought to be in the power of their Abbots.” “ And when the Abbots themselves die, let their successors be elected by the judgement of the community, and let not the Bishop claim or take to himself the right of making this election.”

It is very important to notice that all these decisions, whether in Gaul or Africa, were made by Bishops, and the North African Bishops were quite alive to the importance of upholding the dignity of the episcopate, and of claiming their full rights ; but they knew that historically the monasteries had always in times past been free, and they found by experience the ill effects of allowing the Bishops to meddle in matters which concerned the religious life of the communities.

Dom Mabillon, after explaining the decrees of these two Carthaginian councils, says :

“ It seemed desirable to relate these things at length on account of the importance of the matter, because they throw light on the monastic privileges of subsequent times, which relied on the decree of the former of these two Carthaginian Councils as their authority and their model. And in truth the authority of that Council is of the weightiest kind : first because it was a general Council of all Africa ; and secondly because it was composed of Bishops, who were for the most part very holy persons, who had endured dire persecutions from Trasamund (the Arian King of the Vandals). We may gather from all this that at that time it was the custom in Africa, as it was also the custom which very largely prevailed throughout the East, that monasteries, in whatever diocese or province they might be founded, were in immediate subjection to him to whom their founders wished to subject them. . . . There is no safer, there is no more undoubted foundation of privilege, says the very learned Thomassinus, than the will of founders, who are free to give their possessions and themselves to whomsoever they will.”¹

Of course founders could not act in that way if the diocesan Bishop had an inherent right to be the visitor of the monastic bodies within his diocese. But Mabillon

¹ *Ann. Ben.* i. 44.

evidently knew of no such inherent right, and "the very learned Thomassinus" was equally ignorant. I suppose that in questions of this kind it would be difficult to name any authority who would not have to give way before the authority of Mabillon.

It follows from all this that members of the religious communities in a diocese are subject to the Bishop, whether as laymen or as clergymen; their religious profession does not exempt them from the Bishop's inherent jurisdiction, but neither does it add to that jurisdiction. If the Bishop is to acquire visitatorial jurisdiction, it must be by the free grant of the religious, either given once for all or given each time by election. I am assuming that Convocation does not pass any Canon subjecting religious houses to the visitatorial jurisdiction of the Bishop. Of course, if it should do so, the state of things would be altered. But I contend that, as things are, our present constitution goes on strictly Catholic lines. We are, of course, at liberty, if we like, to make a grant of visitatorial jurisdiction to the Bishop of the diocese, but we are not at liberty, as it seems to me, to recognize an inherent visitatorial jurisdiction in him.

I have not referred to the later Middle Ages, because from the time of Charlemagne onwards, the whole state of things was so utterly unlike our present condition. Charlemagne welded the Church and the monastic institute and the State into one compact system, in which the coactive temporal jurisdiction of the State and the spiritual jurisdiction of the Church and the internal religious jurisdiction of the monastic superiors were all combined and inextricably interlaced. According to his system the Abbots were to be subject to the Bishops, and the Bishops were to be subject to the Emperor. When once the strong hand of the State had meddled with the business, it was natural that the monks should look out for some powerful protector, and such a protector they found in the growing power of the Popes. The monks now sought to obtain exemptions from the Popes, whereas in the earlier days

they claimed their freedom as their own inherent right. The Popes were quite willing to intervene. Nothing could have furthered their own policy better. They gladly granted exemptions *for a consideration*. They gave as a papal favour what the monks might canonically have claimed as a right ; but the Popes reserved to the Roman see that visitatorial jurisdiction which they were taking away from the Bishops. Ultimately, in the year 1215, Innocent III went the further length of prohibiting the erection of any new religious order without the consent of the Pope. It is on this perfectly novel decree that the present discipline in the Roman communion rests, so far as regards the matter which we are considering. New religious orders must be approved at Rome, not because there is any inherent necessity for religious orders to have ecclesiastical approval, but because by a papal law of the year 1215 the old freedom was taken away. I am in no way criticizing Innocent's action. In the general muddle of Church and State and monasticism, which then prevailed, it may have been a wise law. It certainly does not bind us in England now. It was not a law in favour of the Bishops ; it was a papal law in favour of the Popes.

In the earlier ages the freedom of the monks in regard to their own religious life and obedience combined with subjection to rightful episcopal authority was not the outcome of crude and irregular methods ; it was the rightful inheritance of the monks, confirmed to them over and over again by the Episcopate of the Churches of Africa and Gaul. In Ireland and Scotland things went to the other extreme, and there the Bishops were wholly subject to the Abbots. I in no way approve of that arrangement. The Gallican and African way was the well-tempered mean, which secured for each side their rights.

To say that religious obedience cannot be rightly paid to a religious superior, unless the community has been specially authorized by the Church, and unless ecclesiastical authority has been specially delegated to the

Superior, appears to me to be a position fundamentally subversive of the religious life and absolutely unhistorical. It would mean that the religious life, when it was in its prime and in its glory, when it was subduing Europe to Christ, and handing down the torch of religion and learning, was based upon a fundamental mistake, and that it was only in the thirteenth century, when the glory was waning, that any true jurisdiction was possessed by the monastic superiors. The Church does not possess religious jurisdiction. An oecumenical council cannot create religious jurisdiction. That can only come from the free donation of the religious, who have themselves been called by Christ to the life of obedience. That is the core of the matter. The Church may clothe the Abbot with additional ecclesiastical powers, but his essentially religious authority it cannot *give* to him because it does not possess it. "Nemo dat quod non habet."

Suarez in his discussions on the religious state is dealing with the modern Roman system, in which the religious, and the ecclesiastical authority, and in some countries the coercive authority of the temporal power, are very much mixed up together. Yet even Suarez distinguishes carefully the core of the matter from its adventitious clothing. He says¹: "The dominative . . . power which exists in the abbot, prior, or other immediate superior, is, without any other proper spiritual jurisdiction, sufficient to constitute a true religious state." On the previous page he had defined this "dominative power" thus:

"By dominative power is to be understood a right which has been acquired by the religious body and its prelates to rule the religious and to avail themselves of their labours as they may judge fitting. This power does not belong to the keys, nor does it descend from Christ by a special donation made to His Church, but springs radically from the will of those who profess the Rule, and who give themselves to the religious body with a promise and obligation of obedience according to Rule. This power is therefore

¹ Humphrey's *Digest*, i. 117.

distinct from that of the keys, and consequently is distinct from *jurisdiction* properly so called."

Further on Suarez says :

"In virtue of this paternal spiritual power, derived from voluntary compact, along with accepted delivery of themselves, and confirmed by the vow of obedience, a religious prelate possesses, apart from proper jurisdiction, power to prescribe to his subjects, to coerce them and to punish them with a moderate and regulated punishment, such as should suffice in order to the ordinary ruling of a family."

As I have already pointed out, since the year 1215 no religious order can exist as a religious order in the Roman Communion unless it has been formally approved. Before that time such approval was not needed, and even since that time people may take the three vows and may unite together to form a body bound by the three vows, only they have no claim to be recognized by the Roman Church as being technically religious, and as inheriting the special exemptions and privileges, which by positive law have been annexed to the estate of those who are recognized as being technically religious.

Suarez (i. 104) says : "*According to the present law and usage of the [Roman] Church there cannot be a true religious state save in a religious body which has been approved by the Church.*" But he also says (ii. 4) :

"Although a special approbation of the Church is necessary in order to the religious state, *strictly and properly so called*, yet it is not necessary for every mode of life which in some manner partakes of the nature of that state or imitates it. He who vows obedience delivers and subjects himself to another whom he thereby constitutes his Superior ; and thus obedience becomes possible. It is not necessary for this that a Superior so constituted should have power derived to him from the Church, because it is not by power of jurisdiction, but by dominative power, that he is to prescribe ; and this power he can receive privately from him who makes the vow. It is not necessary that he should have any public or authoritative approbation, for a vow of this kind is not public, but private. It is sufficient that in the exercise of prudent judgement,

or with moral probability, the person selected should be considered apt and able, and such as that one may commit to him the care of one's soul by a special obedience."

I do not at all admit that the dispensation of such vows as are taken in our Community can only be effected by a Bishop having jurisdiction over us. Our vows are qualified by being taken in accordance with our rule; and our rule does not give authority to the Visitor as Visitor to dispense. The rule might have given such authority to the Father Superior General, or to anyone else. The rule qualifies the vow.

I think that I have now shown that the question whether we should make a grant of visitatorial jurisdiction to the Bishop of Oxford for the time being is a question of expediency not a question of principle. To my mind it would at present be very inexpedient. The Religious Life is not yet sufficiently recognized by the English Episcopate, nor are its principles sufficiently understood, to make it safe to subject ourselves indiscriminately to Bishops appointed by the King and the Prime Minister for the day. An election each time exactly suits the circumstances. To do more than that would be at present premature.

It might very easily happen that a Bishop might be appointed who would use his power to destruction rather than to edification. Of course, if the Religious Life were publicly and legally acknowledged by the English Church as part of its system, we should have a remedy against a Visitor who should so act. But as things are we should have no remedy. Of course, if it were obligatory on us to grant visitatorial power to the Bishop as such, we should have to do it, notwithstanding possible inconvenience; but I have shown that there is no such obligation, and therefore if we choose to do it we shall do it at our own risk, and the risk is so great and so unnecessary that it seems to me that we should be guilty of an act of great folly if we were to go out of our way to run the risk.

In conclusion I should like to point out that a step like that which has been proposed is one that could not be undone. If we once subject ourselves to the Bishop of Oxford, *quâ* Bishop of Oxford, as our Visitor, it would be practically impossible for us to withdraw from the visitatorial jurisdiction of any future occupant of the see. The step is therefore irrevocable. We cannot do it wisely, unless we are quite clear that it is either obligatory, or that the objections to its expediency, which I have pointed out, have nothing in them. If we decide to go on as we are, we can always at some future time, if circumstances alter, make the Bishop of Oxford as such to be our Visitor. Convocation may hereafter so legislate concerning the Religious Life as to make it part of the publicly and legally acknowledged system of the English Church. We may then revert to the present proposal and accept it as part of a general concordat.

APPENDIX B

(See above, p. 191)

During the period when Sir Robert Walpole was Prime Minister, another episode of a similar character to the one mentioned by Mr. W. E. Gladstone is recorded to have occurred. When Dr. Sydall, Bishop of Gloucester, died on Christmas Eve, 1733, Dr. Rundle was recommended by the Lord Chancellor Talbot for the vacant see. Bishop Gibson of London, acting, as it would appear, under a misconception of Rundle's real opinions, was strongly opposed to this appointment. With the Bishop's sanction the Rector of St. Antholin's in the City entered a *carveat* against the confirmation of the election, if Rundle should be elected by the Chapter, and he threatened to appear in Bow Church to oppose any such confirmation, if the proposal were pressed. Eventually the matter was compromised by Martin Benson, a friend of Rundle, becoming Bishop of Gloucester, while Rundle was appointed by Letters Patent to the see of Derry in Ireland. It seems to me that it is quite possible that Mr. Gladstone was thinking of the case of Dr. Rundle when he had his conversation with his guest at Hawarden at the time of my visit. The great statesman was at that time nearly eighty-six years old, and his memory of the details of the occurrence, which he was narrating, may have become somewhat blurred. The appointment to the English see, which he had in mind, may have in fact been warded off by the threat of opposition in the Court of Confirmation rather than, as he supposed, by the threat of a refusal on the part of the Chapter to elect. But, however that may be, it is clear that the power of the Crown to secure the appointment of its nominee is not absolute. There are checks.

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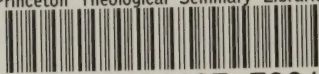
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